

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, 6th February 1924.

The House met at 11 o'clock, the hon. the President (Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, C.I.E., I.S.O.) in the Chair.

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions and answers shall be arranged in order of subjects.

The Secretary shall call the name of each interpellator in the order in which the names are printed, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

SUPPLEMENTAL QUESTIONS TO QUESTION No. 133-A—cont.

MR. A. RAMASWAMI MUDALIYAR:—"Sir, in view of the statement made by the hon. Member in which he did not admit that the statement made by him on the occasion of the No-Confidence motion that he did not apply for either a paid or an honorary appointment was incorrect, may I request the hon. the Chief Minister to consider the advisability of placing on the table of the House the communications in his possession for the House to draw its own conclusion?"

MR. C. RAMALINGA REDDI:—"I would like to say a word, Sir. I do not think that what the hon. Member, Mr. Ramaswami Mudaliyar, has said is quite accurate. I explained yesterday, and I did not contradict any correspondence but only the idea put forward that I first approached the Minister for the appointment."

THE RAJA OF RAMNAD:—"May I know whether the hon. Member was nominated subsequently in pursuance of the request?"

THE hon. the RAJA OF PANAGAL:—"He was not nominated. So far as the supplementary question is concerned the hon. Member for Chittoor stated yesterday that my statement was correct, but at the same time he added that his statement also was correct. I am afraid, Sir, that that position is consistent. His statement is contrary to the fact. I have got the letters with me to prove beyond all doubt that it is so and I shall gladly make a present of them to my hon. Friend. Let him read the letters and say if he did not apply for the places and that at his own instance."

The hon. the Raja of Panagal then gave away the letters to the hon. Member, Mr. C. Ramalinga Reddi.

MR. S. SATYAMURTI:—"May I ask the hon. the Minister to lay on the table a list of all the Members who have applied to him for posts paid or honorary?"

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The hon. the PRESIDENT :—" I am afraid it is a very large order: the hon. Member had better make a separate request."

Mr. S. SATYAMURTI :—" I bow to your ruling, Sir."

Mr. SASIBHUSHANA RATH Mahasayo :—" In the answer it is stated that he also applied 'in connexion with two other appointments, namely, the Presidentship of the Legislative Council and the Vice-Chancellorship of the Madras University'. May I know if those two posts are also in the gift of the hon. the Chief Minister?"

(No answer.)

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I ask the Minister for Local Self-Government whether it is the practice with him to intercede on behalf of his party men to get them appointments which do not lie in his power to give?"

(No answer.)

Rao Bahadur C. NATESA MUDALIYAR :—" I want to put a series of questions arising on this. May I do so, Sir?"

The hon. the PRESIDENT :—" I am really sorry the hon. Member is just a little late as we have passed on to the next question. I am sure he will be able to put his question separately."

Accountancy.

The Head Accountant Test Examination.

134 Q.—Mr. K. ABDUL HYE SAHIB: Will the hon. the Member for Revenue be pleased to state the number of Muhammadans who were selected for the Head Accountant Test Examinations in the Ceded Districts during the past two years and also the number of Hindus selected for these examinations in the Ceded Districts?

A.—There is no 'Head Accountant Test Examination' as such. The hon. Member apparently refers to the head accountant's training given to the subordinates in Revenue Department. Collectors arrange for this training and the Government have no information in regard to the number of men selected for the training from each community.

Agriculture.

Cultivation of tank-beds.

135 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Home Member be pleased to state if Collectors are empowered to allow tank-bed cultivation for raising food-crops in times of distress?

A.—The orders now in force are those contained in G.O. No. 2964, Revenue, dated the 3rd October 1912, and the conditions under which permission should be granted are those mentioned in paragraph 1 of the Reference from the Board of Revenue No. 354, dated the 10th February 1904. Extracts of these papers are annexed.*

* Printed as Appendix I on page 167 infra.

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Amalgamation of Villages.

The proposed amalgamation of the shrotriyam village of Gouripuram with Kavini.

136 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(1) whether the shrotriyam village of Gouripuram in Hospet taluk is situated at the junction of three trunk roads and at the foot of a ghaut;

(2) whether there is a religious mutt to which pilgrims from various places periodically resort several times every year;

(3) whether criminal tribes like Lambadis reside in the forests and villages close by;

(4) whether it is under the consideration of the Government to amalgamate the shrotriyam village of Gouripuram with the neighbouring Government village of Kavini Basapur, and, if so, the reasons therefor;

(5) the savings to the Government which will result from the contemplated amalgamation;

(6) whether the shrotriyamdar of the inam village is willing to bear the loss to the Government, if any, by paying an equivalent contribution or in any other way; and

(7) the authority under which an inam village is clubbed with a Government village?

A.—(1), (2), (3), (5) & (6) The Government have no information.
(4) & (7) An inam village is clubbed with a Government village under the provisions of section 6 of the Madras Act III of 1895. The Board of Revenue being the authority under the Act, matters of detail relating to amalgamation of villages do not come up to Government.

MR. A. RANGANATHA MUDALIYAR:—“With reference to clause 4 of my question No. 136, will the Government be pleased to obtain the information, Sir?”

The hon. the RAJA OF KOLLENGODE:—“Yes.”

Bifurcation of District.

Bifurcation of the Kistna district.

137 Q.—S. R. Y. ANKINEDU PRASAD Bahadur: With reference to the Government Press Communiqué, dated 6th October 1923, and published in the *Fort St. George Gazette* on the subject of the bifurcation of the Kistna district, will the hon. the Member for Revenue be pleased to say—

(a) what stage the matter has reached;

(b) whether any proposals for the re-arrangement of taluks have been made by individuals or by popular bodies; and

(c) if so, whether he will be pleased to lay them on the Editors' Table for the information of the people in the district?

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A.—(a) & (b) The criticisms that were received by Government in response to the Press Communiqué, dated 6th October 1923, have been forwarded to the Board of Revenue for consideration and the Board's report is awaited. Details of the suggestions made are not therefore available with Government at present.

(c) The Government do not consider it necessary to publish all the proposals that may have been made by individuals or popular bodies.

Civil Justice.

Registrar, Court of Small Causes.

138 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) the qualifications of the gentleman who has been appointed Registrar of the Court of Small Causes; and

(b) the names and qualifications of the gentlemen who were recommended for the appointment by the High Court or by the Chief Judge of the Court of Small Causes or by both?

A.—(a) He is a graduate in Arts and Law and a High Court Vakil and has served as an Additional Public Prosecutor, South Malabar.

(b) The Government decline to furnish the information as it is confidential and it is not in the public interest to disclose it.

Co-operative Societies.

Honorary Assistant Registrar of Co-operative Societies, Srivilliputtur.

139 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the Honorary Assistant Registrar of Co-operative Societies, Srivilliputtur, took away the receipt book, cash-book and loan-ledger from the Toppupatti Co-operative Credit Society No. A. 361, Srivilliputtur taluk, on 17th June 1923;

(b) whether it is a fact that the Honorary Assistant Registrar not only refused to return the books to the society but also used defamatory words when asked for them by the President of the society;

(c) whether it is a fact that the general body of the society in its meeting held on 9th August 1923 resolved to take necessary action (civil or criminal) against the Honorary Assistant Registrar and to represent the matter to the Assistant Registrar of Co-operative Societies, Tinnevely, and the Registrar of Co-operative Societies, Madras;

(d) what action has been taken by the department on the matter;

(e) whether the books have been returned to the society; if so, when and how; and

(f) whether Honorary Assistant Registrars are permitted to take away the books of Co-operative Credit Societies?

A.—The Government have no information but will call for a report.

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Muhammadan representation among Honorary Assistant Registrars of Co-operative Societies.

140 Q.—Mr. YAHYA ALI: Will the hon. the Minister for Development be pleased to state whether it is a fact that there is no Mussalman appointed as an Honorary Assistant Registrar of Co-operative Credit Societies in the Nellore district?

A.—It is so.

Criminal Justice.

Mr. Blackstone's Report.

141 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Law Member be pleased to state—

(i) whether Mr. Blackstone, the Deputy Inspector-General of Police, has been engaged in making local investigations regarding the complaints and allegations that the people in some particular villages in the Penukonda and Dharmavaram divisions, Anantapur district, were helplessly enduring local tyranny and oppression?

(ii) if so,

(a) the names of the villages concerned and of the individuals complained against;

(b) the number of witnesses examined in support of the accusations, and the number examined in defence;

(c) whether it is a fact that the result of the prolonged personal enquiry was a report that tyranny and oppression have been prevailing in the villages and that the perpetrators have enjoyed immunity from law and justice;

(d) a summary of the lawless and oppressive actions brought to light;

(e) the nature of the measures recommended in order to safeguard the people from such tyranny and oppression in future; and

(f) whether Mr. Blackstone's report was forwarded to the District Magistrate for his opinion, and if so, whether the District Magistrate did or did not support the recommendation of the Police?

A.—It is true that Mr. Blackstone, as Deputy Inspector-General, Central Range, was instructed by the Inspector-General of Police in July last to hold an inquiry into certain allegations of oppression and high-handed action on the part of two brothers Bayappa and Govinda Reddi of Pamudurti village in the Penukonda taluk and of their agents and supporters. The inquiry, which was completed in about two months and which involved the examination of 201 witnesses in the Penukonda taluk in support of the allegations and 66 for the defence, showed that there were good reasons for believing that the two brothers have for some time been guilty of many illegal acts including the extortion of money by various methods, the usurpation of powers that rightly belong to the Government and the defrauding of Government revenues.

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On receipt of the report and after due consideration of the remarks of the Inspector-General of Police and the District Magistrate thereon the Government decided to reopen the police station at Pamudurti which was closed some years ago and to watch the result of this step before considering whether more stringent measures were necessary.

For obvious reasons the Government are not at present prepared to give a more detailed reply to the question.

Number of prosecutions by the City Police.

142 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) the number of prosecutions filed by the Madras City Police in the Presidency Magistrates' Court in 1921, 1922 and 1923, and

(b) the number of such cases which resulted in the acquittal or discharge of the accused by the Magistrates or by the High Court?

A.—A statement is given below :—

Year.	Number of cases prosecuted by the City Police in the Presidency Magistrates' Court.	Number convicted.	Number acquitted or discharged.
1921	1,505	1,351	154
1922	1,695	1,538	157
1923	2,057	1,853	204

N.B.—The figures do not include petty cases under the City Police Act disposed of by the Bench Courts.

Mr. Blackstone's Report.

143 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Law Member be pleased to lay on the table the report of Mr. Blackstone and the opinion of the District Magistrate regarding Penukonda and Dharmavaram divisions?

A.—The Government are not prepared to lay the report on the table. For a summary of its subject matter the hon. Member is referred to the answer to question No. 141.

Cutchi Memons' Act.

The Cutchi Memons' Act, 1920.

144 Q.—Mr. YAHYA ALI: Will the hon. the Law Member be pleased to state whether the Government have issued a notification in exercise of the powers conferred by sub-section (1) of section 3 of the Cutchi Memons' Act, 1920 (India Act XLVI of 1920), prescribing the authority before whom and the form in which, the declaration, under section 2 of the said Act, should be made?

A.—The answer is in the affirmative—vide page 1288, Part I, *Fort St. George Gazette*, dated 21st November 1922.

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Depressed Classes.

Assignment of lands to depressed classes in the Coimbatore district.

145 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) what is the extent of land set apart near Mettupalaiyam to be distributed among depressed classes on darkhast;

(b) whether it is a fact that the whole darkhast land near Mettupalaiyam has been entrusted to the London Mission Society, Coimbatore, for being distributed to the depressed classes, both Hindus and Christians;

(c) for how many members of the Hindu and Christian depressed classes assignments of darkhast lands were made near Mettupalaiyam and what is the extent of land assigned in each case;

(d) what is the extent of land set apart near Kinattukaduvu, Pollachi taluk, for depressed classes for assignments on darkhast;

(e) how many petitions were received up to this applying for darkhast land set apart near Kinattukaduvu from the members of the depressed as well as other classes;

(f) when the assignments of darkhast land set apart near Kinattukaduvu will be made; and

(g) whether it is a fact that even rich persons who possess lands of their own have applied for darkhast land set apart near Kinattukaduvu?

A.—(a) Two hundred acres in Nellimalai disafforested area in Thekkampatti village, Avanashi taluk.

(b) An extent of 100 acres has been reserved for assignment to depressed classes (non-Christian) and an equal extent to the London Missionary Society on behalf of Christian depressed classes. There is at present no proposal to assign land to the non-Christian members of the depressed classes through the London Missionary Society.

(c) No assignments have yet been made.

(d) An extent of 25 acres has been set apart for depressed classes in Sankarayapuram disafforested area in Sankarayapuram village.

(e) Twenty-nine applications from members of depressed classes, 41 from ex-sepoys and 72 from other classes have been received.

(f) The assignments are expected to be made in about four months.

(g) Yes.

Mr. R. VEERIAN:—“With reference to clause (g) may I know if the darkhast lands have already been assigned and if so to whom and what is the extent?”

The hon. the RAJA OF KOLLENGODE:—“I want notice of the question.”

Development (Industries).

Malted foods.

146 Q.—Mr. P. PEDDIRAJU: Will the hon. the Minister for Development be pleased to state—

(a) whether any experiments relating to malted foods have been made at the expense of the Government; and

(b) if so, with what result?

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A.—(a) Yes.

(b) For the results obtained at the laboratory of the Agricultural College, Coimbatore, the hon. Member is referred to an extract from the Monthly Digest of the operations of the Agricultural Department for October 1922, quoted by the then Minister for Development in his speech at the meeting of the Council held on the 20th March 1923. Experiments on a larger scale are now in progress at the College, and it is hoped that the results of these will be available shortly.

District Board.

Taluk Board, Salem.

147 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state whether a candidate, who was defeated at an election to the Salem Taluk Board, was nominated to it and whether he is a relation of the Vice-President of the District Board?

A.—The Government have no information. Members of taluk boards are appointed by the President of the District Board.

Empire Exhibition.

The British Empire Exhibition.

148 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Development be pleased to state—

(a) the amount of money to be spent on account of the participation of the Madras Government in the British Empire Exhibition, in employing servants for working in connexion with the Exhibition and to be paid by the Madras Government;

(b) the officer or officers who will employ these servants; and

(c) whether it is understood that all these appointments should be made from amongst the British unemployed?

A.—(a) The expenditure in England on the employment of attendants and other servants in the Madras Court is estimated at Rs. 30,000.

(b) The Special Officer appointed by the Government in connexion with the Exhibition.

(c) There is no such understanding.

Famine.

Certain papers to be laid on the table.

149 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Member for Revenue be pleased to lay on the table—

(a) the reports of the Collectors of Bellary and Anantapur districts submitted to the Board of Revenue under section 35 (a) of the Madras Famine Code (1905);

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(b) the programme of public and village works maintained by the Collectors of Anantapur and Bellary districts under section 10 of the Madras Famine Code; and

(c) the special report furnished to the Local Government by the Member of the Board of Revenue in charge of Land Records and Settlement under section 46 (b) of the Madras Famine Code?

A.—(a) The hon. Member will be furnished with copies of the reports.

(b) The Collector will be asked to send a spare copy to the hon. Member if available.

(c) The Government have not yet received the report from the Board of Revenue.

Report to the Government of India regarding relief measures required.

150 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Member for Revenue be pleased to state whether the Madras Government have sent their report to the Government of India, containing 'the earliest information practicable as to the likelihood of relief measures being required', under 47 (a) of the Madras Famine Code?

A.—No. The Board's report under section 46 (b) of the Famine Code has not yet been received.

Floods.

Floods in the Tinnevelly district.

151 Q.—Mr. P. N. MARTHANDAM PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) the extent of the damage caused by the recent floods in the Tinnevelly district

(i) in the urban area of Tinnevelly cum Palamcottah,

(ii) in the rural area; and

(b) what is the amount which the Government are prepared to grant for the relief of the distressed?

A.—(a) The hon. Member is referred to the letter from the Collector of Tinnevelly, dated the 7th January 1924, which was published in the Madras dailies about the 16th January 1924.

(b) The Government will apply to the Council if further funds are required for relief purposes.

Mr. P. N. MARTHANDAM PILLAI:—"My question (a) is not answered by the Collector's letter and may I know whether the hon. Member will call for information?"

The hon. the RAJA OF KOLLENGODE:—"It will be found in his next report."

Floods in the Tinnevelly district.

152 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Revenue be pleased to state—

(a) the extent of the damage caused by loss of men, animals, buildings, merchandise, crops, etc., by the recent floods in the Tinnevelly district; and

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(b) the steps the Government propose to take to repair the heavy losses sustained by the inhabitants of the said district and to alleviate the distress of the poor?

A.—The hon. Member is referred to the letter, dated the 7th January 1924, from the Collector of Tinnevelly which was published in the Madras dailies about the 16th January 1924.

Mr. S. SATYAMURTI :—“ May I know from the Revenue Member whether the Government propose to take any steps to recoup the loss incurred ? ”

The hon. the RAJA OF KOLLENGODE :—“ The Government will do all that is necessary and reasonable.”

Floods in the Tinnevelly district.

153 Q.—Mr. R. VEERIAN : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that serious damage was caused recently on account of heavy flood in the Tinnevelly district leaving thereby 10,000 people homeless ; and

(b) what steps the Government have already taken to relieve the suffering of the homeless people ?

A.—The hon. Member is referred to the letter, dated the 7th January 1924, from the Collector of Tinnevelly which was published in the Madras dailies about the 16th January 1924.

Forests.

Theft of sandalwood in South Kanara.

154 Q.—Mr. B. MAHABALA HEGDE : Will the hon. the Home Member be pleased to state—

(1) the total number of cases and the total amount of penalty levied in the villages of Thenkamijar, Badagamijar, Kallamundkurputtige and Marpady of Karkal taluk, South Kanara, in respect of sandalwood trees stolen from kumki lands ;

(2) the revenue assessment payable by each of the wargdars concerned and the amount of penalty levied on each in the above villages ;

(3) whether there is not a distillery in the midst of this group of villages in a solitary place surrounded by forests, and if the answer is in the affirmative, how far the said distillery is from the nearest police station ;

(4) how many cases of theft of sandalwood trees from kumki lands in the above villages were detected by Government and how many culprits convicted ; and what steps are taken about theft of sandalwood trees in forests beyond kumki ;

(5) the quantity of sandalwood purchased from Government at auction by the distillery owner referred to in clause (3) above and the quantity of oil sold by him ;

(6) whether the wargdars in South Kanara do not live in solitary houses especially in the interior on the foot of wooded hills unlike those in East Coast ;

(7) the total amount of similar penalty levied in the district this year till the end of November 1923 and the number of wargdars from whom levied ; and

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(8) whether the kumki lands are generally not in continuation of Government forests (reserve or otherwise) ?

A.—(1) & (2) A statement containing the information is placed on the table.*

(3) There is a private sandalwood distillery in Puttige village surrounded by cultivated lands and not by forests. The nearest police station is four miles distant from the distillery.

(4) Twelve cases of theft other than those referred to in clause 1 have been detected since 1918 by forest subordinates. No one was convicted ; in one case the charge against six accused was withdrawn for want of sufficient evidence ; in another, the case was compounded and in the remaining cases the accused could not be traced.

A special staff of one forester and three forest guards is being maintained to prevent theft of sandalwood.

(5) No sandalwood was purchased from the Government by the distillery owner in question and the Government have no authentic information as to the quantity of oil sold by him.

(6) It is generally speaking true that wargdars live in solitary houses.

(7) A total sum of Rs. 392 has been levied as penalty from six wargdars in the North Mangalore division. In the South Mangalore division there has been one case of theft which is under enquiry.

(8) They are generally contiguous to Government forests or unreserved land.

Mr. B. MAHABALA HEGDE :—“ With reference to clause (4) I want to ask whether the Government will take steps to institute proper check ? ”

The hon. Sir ARTHUR KNAPP :—“ I am afraid, Sir, I must have notice of that question.”

High Court Judges.

Number of High Court Judges.

155 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether he has since received any definite proposals from the High Court for an increase in the number of Judges ;

(b) if so, for how many new Judges ; and

(c) whether the Government have sanctioned or recommended to higher authorities any increase in the number of Judges ?

A.—(a) Yes.

(b) Two.

(c) No.

Mr. S. SATYAMURTI :—“ The answer to clause (c) is ‘ no ’. May I know whether that decision of the Government is final or whether they are still considering the matter and are likely to sanction anything.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ So far as I can see there is no chance of any further recommendation.”

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Irrigation.*Appeal from the inhabitants of the villages irrigated by the Red Hills Lake.*

156 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) whether the Government have received any appeal from the inhabitants of the villages irrigated by the Red Hills Lake; and

(b) if the answer is in the affirmative, what action the Government intend taking upon it?

A.—(a) Yes.

(b) The memorial has been referred to the Superintending Engineer, Madras Circle, for report.

The repair of major and minor tanks and kuntas in Anantapur district.

157 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

(a) the number of Government tanks both major and minor and kuntas in Anantapur district when the East India Company first took possession of the district;

(b) how many of these have fallen into disrepair and how many have been completely abandoned since;

(c) how many of these in disrepair do the Government propose to repair now or in the near future;

(d) how many of the existing tanks and kuntas are in good repair with capacity undiminished, and how many of these have been reduced in their capacity and to what extent; and

(e) if figures are not available for such an anterior time, whether the Government will be pleased to give the earliest possible figures?

A.—(a) & (b) Government have no information.

(c) To the end of 1922-23, 758 estimates had been prepared under the Tank Restoration Scheme aggregating Rs. 10,06,992 for repairing minor tanks, but these were not abandoned tanks. The estimates mostly provide for the improvement of existing tanks.

(d) Government are not aware of any reduction of the ayacuts under tanks. There is a natural tendency for the capacity of tanks to diminish owing to accumulation of silt. This process is very slow and its exact amount is not known.

Removal of silt from tank-beds by ryots.

158 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state whether there is any objection to ryots removing silt from tank-beds, and, if so, the grounds for the said objection, and if it is allowed under certain restrictions, what are the terms?

A.—Ryots are at liberty to remove silt from the beds of tanks free of charge for *bona fide* domestic or agricultural purpose, and on payment of seigniorage for other purposes provided that no damage is caused to the tanks by such excavation and that in the case of tanks in charge of the Public Works Department the previous permission of the subdivision officer is obtained.

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Application for water for wet lands under the Tungabhadra in Bellary.

159 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(1) whether the question of dispensing with application for water for wet lands under the Tungabhadra channels in the Bellary district is engaging the consideration of the Government;

(2) whether the Department of Public Works which at present disposes of applications for the use of water is of opinion that the existing arrangement requiring applications for water may be done away with; and

(3) whether the Executive Engineer met the ryots of Hospet in conference at Kamalapur on the 3rd December 1923 and whether the ryots prayed for the discontinuance of the existing practice in regard to water application on any or all of the following or other grounds:—

(a) undue delay in the grant of applications;

(b) needless expenditure on scribes and mamuls to subordinate officers;

(c) excessive and unnecessary work to the Public Works Department officials who have to register and pass orders and issue them, preserving copies thereof;

(d) needless cost to the ryots when they have to take delivery of the copies of the orders sent to them by 'unpaid' post?

A.—(1) & (2) The answer is in the negative.

(3) The Government have no information.

Jails.

Jail reforms.

160 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Home Member be pleased to state—

(a) if they have carried out any of the recommendations (on jail reforms) made by the Indian Jails Committee (1919-20);

(b) if so, what they are; and

(c) what recommendations of the Jail Committee they intend to carry out in the near future?

A.—A statement which will answer the hon. Member's question is being prepared and will be laid on the table.

Mr. S. SATYAMURTI:—"May I ask the hon. the Home Member to give us an idea of the time when he expects the report to be laid on the table?"

The hon. Sir ARTHUR KNAPP:—"I hope it will be laid on the table within the next few days. The fact is, we have done a great deal towards carrying out the Jail Committee's recommendations and it will take some time to make a summary of what we have done."

Landing and Shipping Dues Committee.

161 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Member for Finance be pleased to state—

(a) the names of ports in the Madras Presidency where 'Landing and Shipping Dues Committees' have been established;

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(b) the constitution of the Committee and whether the Members of the Committee are elected or nominated and by whom and by what constituencies ;

(c) whether the contributors to the funds of the Committee have the right of representation on the Committee ;

(d) whether it is a fact that the Indian nominations are left to the discretion of the Presidency Port Officer while the European nominations to the Committee are made by the European firms ; and

(e) whether there are any rules or regulations governing this Committee and if so, whether the Government will lay on the table a copy of the same ?

A.—(a) & (b) The following table shows the names of ports at which Landing and Shipping Fees Committees have been instituted and the number of members forming the Committee in each case. The members are all nominated :—

Name of port.				Number of members.
(1)	Adirampatnam...	...	...	5
(2)	Calicut ...	...	...	8
(3)	Cuddalore ...	...	...	8
(4)	Malpe ...	...	...	8
(5)	Mangalore ...	...	...	9
(6)	Masulipatam ...	...	...	9
(7)	Negapatam ...	...	...	10
(8)	Tellicherry ...	...	...	8
(9)	Vizagapatam ...	...	...	8

(c) The fees are levied on all goods and passengers passing through the ports. The Committees are made up of persons having business at the ports.

(d) The answer is in the negative.

(e) Rules regulating the functions of the Committees were issued under G.O. No. 253, Marine, dated 17th August 1910. A copy is appended.*

I and Revenue.

Land revenue from Anantapur district.

162 Q.—MR. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to furnish information on the following points :—

(i) amount of land revenue derived from Anantapur district during the period the district has been under the British rule ;

(ii) amount spent during the period for

- (a) repairing any irrigation sources,
- (b) constructing protective works of irrigation, and
- (c) constructing productive works of irrigation ;

(iii) amount spent on famine-relief works during the period ; and

(iv) amount of remissions granted during the period—

- (a) for dry and
- (b) for wet ?

* Printed as Appendix III on page 169 infra.

6th February 1924]

- A.—(i) to (iv) The compilation of these statistics for a period of about 125 years, even if it be possible at this distance of time, will involve the expenditure of money and labour for which the Government see no justification.

Mappilla Rebellion.

Remission of sentences passed on Mappilla rebels.

163 Q.—Mr. C. RAMALINGA REDDI: Will the hon. the Home Member be pleased to make a statement regarding

- (i) the remission of sentences or other forms of clemency shown to persons convicted in connexion with the recent Mappilla outbreak;
- (ii) the number of people still in prison here or in the Andamans;
- (iii) the number of people whose sentences have been suspended under the fines system;
- (iv) the amount so far collected under that scheme;
- (v) how much more the Government expect to realize;
- (vi) the number of appeals from the judgment of the Special Tribunals and other Courts which dealt with Martial Law cases disposed of by the hon. the High Court so far and in how many cases the sentences of the Special Tribunals and other Courts which dealt with Martial Law cases were set aside or reduced; and
- (vii) whether the Government intend to take any action on my Resolution regarding the immediate appointment of a committee to examine and remit sentences in all cases in which conviction has been obtained only on circumstantial evidence or where there was no proof of direct participation in violence?

- A.—(i) In addition to the scheme of suspended sentences, the Government have ordered the reduction or remission of sentences passed on about 1,395 persons.
- (ii) The number of prisoners in jails in Madras on 31st December 1923 was 7,553 and that in the Andamans in the middle of October was 1,219.
- (iii) 17,688 up to the end of December 1923.
- (iv) Rs. 6,14,228-15-9 up to the end of December 1923.
- (v) The Government see no reason to anticipate that the balance of fines due, amounting to about 4 lakhs of rupees, will not be realized.
- (vi) The number of appeals disposed of is 1,775. The number of appellants concerned in the appeals disposed of was 4,793 and the sentences on 972 persons were modified, the conviction being quashed in the case of 382 persons, and the sentences passed on 590 persons being reduced. A fresh trial was ordered in the case of 64 persons.
- (vii) The Government do not propose to take any action on the Resolution before it is discussed in the Council.

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Mr. C. RAMALINGA REDDI:—"I want to put a supplementary question to the hon. the Home Member. If I remember rightly, the total number of people convicted was something like 30 to 32 thousands. But I see the number of appeals disposed of is only 1,775. For obvious reasons probably many have not come up with appeals. Practically I see that one-fifth were either acquitted or had their sentences reduced. Would it not be, Sir, gracious on the part of the Government if they pursue now a generous policy of remission of sentences as prayed for by Resolutions numerously signed?"

The hon. Sir ARTHUR KNAPP:—"I am not quite sure whether this is a request for information; it seems to be rather a recommendation. I remember, Sir, that your predecessor has reminded the House that anything which is not a request for information should take the form of a Resolution."

Mappilla rebels fined under the suspended sentence scheme.

164 Q.—Mr. K. UPPI SAHIB: Will the hon. the Home Member be pleased to state—

- (a) how many Mappillas have been fined under the suspended sentence scheme for offences connected with the rebellion;
- (b) what is the total amount of fine so levied;
- (c) how much has been already collected;
- (d) how many of the Mappillas so fined have made default in paying the fine; and
- (e) how many of them have been imprisoned for such default?

- A.—(a) 17,688 up to the end of December 1923.
 (b) Rs. 10,11,234-6-6 up to end of December 1923.
 (c) Rs. 6,14,228-15-9 up to end of December 1923.
 (d) 2,279, excluding one taluk for which figures are not yet ready.
 (e) 424 up to 30th November 1923.

Medical Service.

Compulsory retirement of Sub-Assistant Surgeons.

165 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) whether it is a fact that Sub-Assistant Surgeons who were compelled to retire under the Retrenchment scheme were not permitted to avail themselves of any kind of leave before retirement though they might be entitled to the same and that a special Government Order was issued to that effect;

(2) if the answer to the above be in the affirmative, whether the hon. the Minister will be pleased to lay on the table the Government Order in question;

(3) whether it is a fact that officers of less than fifty years of age and thirty years of service were made to retire, while those who were older and had put in longer service were retained; and

(4) whether it is a fact that the local boards were given the option to employ their own Sub-Assistant Surgeons in medical institutions under their charge except taluk headquarter hospitals?

6th February 1924]

A.—(1) Sub-Assistant Surgeons affected by the Retrenchment scheme were permitted to avail themselves of leave up to the date of expiry of the three months' notice.

(2) A copy of G.O. No. 1395, P.H., dated 20th August 1923, is laid on the table.*

(3) The Government would like to take advantage of this opportunity to explain fully the principles which guided them in giving effect to the Retrenchment scheme. The Government maintained a leave reserve of 15 per cent of the sanctioned number of appointments for Civil Assistant Surgeons and of 25 per cent in the case of Sub-Assistant Surgeons. The Retrenchment Committee which examined carefully the justification for this large reserve discovered that a very large percentage of this reserve was normally unemployed. At the time the committee examined the question, there were as many as 100 Sub-Assistant Surgeons who were not holding any sanctioned appointment but were attached as supernumeraries to various hospitals although the actual strength of the service was short of the sanctioned cadre by ten. The maintenance of a large number of officers for whom there was no work obviously involved a waste of public money and the committee recommended that the reserve staff should be reduced from 25 to 10 per cent of the sanctioned number of appointments. The obvious way to attain this object was to dispense with the services as far as possible of officers who were entitled to a full pension and who were not fit for promotion to the selection grade. The Government accepted the committee's recommendations but, in order to minimize the hardship resulting from such a large reduction of the staff, they decided to retain in service a number of officers sufficient to fill the vacancies occurring in 1923 and part of the vacancies in 1924. Forty Sub-Assistant Surgeons were provided for in this manner. In regard to the rest, the following plan was adopted :—

- (i) Men who were entitled to a full pension but had not been promoted to the selection grade to be discharged first ;
- (ii) next, men who had not earned their first increment on 1st May 1923, in the order of juniority ; and
- (iii) lastly men who had been condemned as unfit for further promotion.

Accordingly officers who had put in over 25 years' service and who had not been promoted to the selection grade were retired first. The number of officers falling under this category was 34. At the time when the orders were issued there were as many as 53 officers with less than 25 years' service who had been promoted to the selection grade. In other words, the officers who were retired had been superseded at least 53 times. The scheme did not affect officers in the selection grade, of whom a few who have completed 50 years of age and 30 years' service are still in service.

(4) The matter is under the consideration of the Government.

* Printed as Appendix IV on page 169 infra.

[6th February 1924]

The RAJA OF RAMNAD :—“ With reference to the answer to sub-clause (iii) it is stated, ‘ Accordingly officers who had put in over 25 years’ service and who had not been promoted to the selection grade were retired first.’ May I ask the hon. the Minister whether it is not a fact that those who had put in 26 years of service, 27 years of service and 28 years of service and who have been debarred from going to the selection grade have been retained? If it is so, may I request the hon. the Minister to kindly consider the fairness, of allowing people who have just completed 25 years being retained?”

The hon. the RAJA OF PANAGAL :—“ No one with 26 years of service, unless he is already in the selection grade, is retained.”

Granting of leave for retiring Sub-Assistant Surgeons.

166 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state whether any orders were issued that sub-assistant surgeons ordered for retirement should not be granted privilege or other leave to be availed of by them preliminary to retirement, and, if so, the date from which the above orders were given effect to?

A.—The hon. Member is referred to the answer given to question No. 165. No particular date was fixed for giving effect to the order.

Appointment of Assistant Surgeons to taluk headquarter stations.

167 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he proposes to appoint Assistant Surgeons to all taluk headquarter stations ;

(b) whether sub-assistant surgeons of efficiency may not be posted to such stations ;

(c) the reasons why sub-assistant surgeons in permanent service were compulsorily retired and their places given to more highly-paid Assistant Surgeons ;

(d) whether a special Government Order was passed refusing leave of absence to sub-assistant surgeons compulsorily retired ;

(e) whether officers less than 50 years of age were compulsorily retired, while men over 50 years of age are still retained in service ; and

(f) whether the Government will allow these men compulsorily retired, to avail themselves of the full leave of absence to which they are entitled under the rules ?

A.—(a) The answer is in the negative.

(b) The question does not arise.

(c) The reasons for the compulsory retirement of Sub-Assistant Surgeons are given in the answer to question No. 165.

(d) & (e) The hon. Member is referred to the answer given to question No. 165.

(f) The Government are not prepared to reconsider the orders already passed.

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Police.

Candidates selected for the Police Sub-Inspectors' training in Kurnool.

168 Q.—Mr. K. ABDUL HYE SAHIB: Will the hon. the Law Member be pleased to state—

(a) the number of candidates selected for Police Sub-Inspectors' training held recently for the district of Kurnool; and

(b) whether it is a fact that the selected candidates are all Hindus and the only Muhammadan candidate who presented himself before the selection board was rejected and whether he was better qualified than the other candidates?

A.—The Government have no information.

Mr. K. ABDUL HYE SAHIB:—"May I ask the hon. the Law Member to call for the information?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"About the only Muhammadan who presented himself?"

Mr. K. ABDUL HYE SAHIB:—"Yes."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Yes."

Police Station at Pamudurthi.

169 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Law Member be pleased to state whether it is a fact that the Government have decided to locate a police station at Pamudurthi village; and, if so, why and at what and whose cost?

A.—The Government have sanctioned the reopening of the Police station at Pamudurthi temporarily for a period of one year at a cost of about Rs. 5,000. The cost is borne by the Government and for the reasons for this step the hon. Member is referred to the answer to question No. 141.

Promotion of a C.I.D. Inspector.

170 Q.—Mr. SAMI VENKATACHALAM CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that a junior Inspector of the C.I.D. was temporarily promoted for one month to the rank of Deputy Superintendent to enable him to attend the Congress at Cocanada and that a number of Inspectors and Sub-Inspectors were placed under him during this period;

(b) whether he was given a duty allowance in excess of the allowance sanctioned to the cadre; and

(c) whether it is a fact that the Deputy Inspector-General of C.I.D., the Assistant to Deputy Inspector-General and six European clerks were deputed to Cocanada during the Congress and that a lump amount of about Rs. 10,000 was sanctioned for C.I.D. purposes at Cocanada?

A.—(a) An Inspector of the C.I.D. was temporarily promoted for one month to the rank of Deputy Superintendent of Police in connexion with the Congress at Cocanada. The Government have no information whether a number of Inspectors and Sub-Inspectors were placed under him.

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Mr. C. RAMALINGA REDDI:—"I want to put a supplementary question to the hon. the Home Member. If I remember rightly, the total number of people convicted was something like 30 to 32 thousands. But I see the number of appeals disposed of is only 1,775. For obvious reasons probably many have not come up with appeals. Practically I see that one-fifth were either acquitted or had their sentences reduced. Would it not be, Sir, gracious on the part of the Government if they pursue now a generous policy of remission of sentences as prayed for by Resolutions numerously signed?"

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(2) if the answer to the above be in the affirmative, whether the hon. the Minister will be pleased to lay on the table the Government Order in question;

(3) whether it is a fact that officers of less than fifty years of age and thirty years of service were made to retire, while those who were older and had put in longer service were retained; and

(4) whether it is a fact that the local boards were given the option to employ their own Sub-Assistant Surgeons in medical institutions under their charge except taluk headquarter hospitals?

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Retrenchment.

Recommendations of the Retrenchment Committee.

172 Q.—Mr. P. PEDDIRAJU: Will the hon. the Member for Finance be pleased to state—

(a) whether the Government intend to give effect to the recommendations of the Retrenchment Committee with regard to the revision of pay of the provincial services; and

(b) if so, how far?

A.—The hon. Member is referred to paragraph 11 of the Retrenchment Committee's report.

Separation of the Judicial and the Executive.

Report of the Committee on the separation of the Judicial from the Executive.

173 Q.—Rao Bahadur T. A. RAMALINGA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(1) whether orders have been passed on the report of the committee on the separation of the judicial and executive functions; and

(2) whether the Government will be pleased to lay a copy of the order on the table?

A.—(1) No.

(2) The question does not arise.

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I should like the hon. the Law Member to state when orders will issue and whether they will issue in time to have the proposal included in the next year's budget?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am not sure whether it will be in time to be included in the next year's budget. The fact of the matter is this. The report of this Committee on the separation of the executive and judicial functions has been considered by Government, and there are two solutions proposed. The question is which alternative the Government is going to accept. As soon as it is decided, the Committee's report and the decision of the Government will be placed on the Editors' table, and it is expected that it will be done before the next meeting of this Council."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May we not have some idea of the two alternatives?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As it is question time I am afraid I will tire the patience of the hon. the President."

Mr. S. SATYAMURTI:—"In view of the statement in the Council of State that the Government are not going on with this scheme in view of the fact that the recommendations of the Madras Government and another Local Government have not yet been received, will the hon. the Law Member be pleased to consider the advisability of expediting the recommendations to the Government of India at an early date?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am perfectly willing to do so. I am also a lawyer and I am interested in the subject."

Mr. S. SATYAMURTI:—"I am glad to hear it."

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Survey.*Officers attached to Survey Party No. II.*

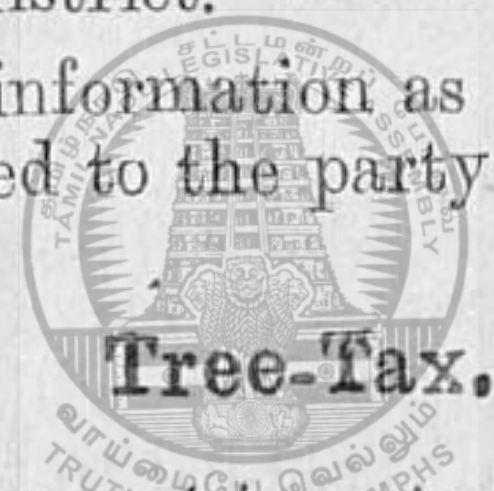
174 Q.—S. R. Y. ANKINEDU PRASAD Bahadur: Will the hon. the Home Member be pleased to publish a statement as to the number of Officers and their subordinates attached to the Survey Party No. II with their salaries and the work expected to be done by each Officer?

A.—Two Assistant Directors of Survey are attached to Survey Party No. II. One of them is now drawing a pay of Rs. 450 per mensem and the other a pay of Rs. 350 per mensem. Government have no information of the actual distribution of work between these two officers.

The forecast of work for this party for 1923–24 is given below as reported in the Administration report for 1922–23:—

- (1) Cadastral re-survey of 235 square miles in the Divi taluk, Kistna district;
- (2) Cadastral survey (Estates) of 63 square miles in Kannivadi zamindari, Dindigul taluk, Madura district, and of 7 square miles in Nachiyar koil, Srivilliputtur taluk, Ramnad district.

Government have no information as to the number and salary of the subordinates attached to the party.

**Tree-Tax.***Rate for taxation for coconut trees in the district of Trichinopoly.*

175 Q.—Diwan Bahadur S. Rm. M. Ct. PETHACHI CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the rate of taxation for coconut trees in the district of Trichinopoly is higher than that now in force in the district of Tanjore; and

(b) why there should be such difference?

A.—(a) Yes.

(b) The difference in the rate is due to the fact that in Tanjore there has survived an older system of taxation under which the trees planted on assessed land were taxed instead of the land on which they grow. This system has disappeared in all other districts including Trichinopoly.

Village Regrouping.*'Vattams' in the South Arcot district.*

176 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) the number of Vattams reduced in South Arcot consequent on the regrouping of villages and the probable annual saving under this head; and

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(b) whether representations have been made to the Collector and the Board of Revenue protesting against the said regrouping of villages?

A.—The Government have no information.

Mr. R. SRINIVASA AYYANGAR:—“ Will the Government be pleased to call for the information ? ”

The hon. the RAJA OF KOLLENGODE:—“ I will do so if the hon. Member wants it.”

APPENDIX I.

[Vide answer to question No. 135 asked by Mr. G. Rameswara Rao at the meeting of the Legislative Council held on the 6th February 1924, page 146 supra.]

G.O. No. 2964, Revenue, dated 3rd October 1912.

The Government approve the Board's recommendation and accordingly direct that the power to permit cultivation of tank-beds shall vest in District Collectors. Such cultivation will be subject to the conditions proposed by the Board of Revenue in paragraph 1 of its Reference No. 354, dated the 10th February 1908.

(True extract)

L. M. WYNCH,
Acting Secretary to Government.

Board's Reference No. 354, dated 10th February 1908.

The Board requests that Government may be pleased to delegate to Collectors the power now vested in the Board to permit the cultivation of tank-beds in unfavourable seasons, subject to the following conditions:—

(1) That in the case of tanks under the control of the Public Works Department the officers of that department are consulted in the first instance and their consent is obtained;

(2) that the cultivation is restricted to crops, such as melon, cucumber, etc., which do not entail any material disturbance of the surface of the tank-bed;

(3) that the cultivation is charged at the highest dry rate of the village;

(4) that the tank-bed is equally divided among all the applicants and not monopolized by a few influential persons; and

(5) that the ryots are held responsible for the complete removal of sticks, stems, leaves of plants, etc., before water enters the tanks.

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APPENDIX II.

[Vide answer to question No. 154 asked by Mr. B. Mahabala Hegde at the meeting of the Legislative Council held on the 6th February 1924, page 155 supra.]

List showing the sandalwood thefts in kumaki lands in the villages of Tenkamijar, Badagamijar, Kalmundkur, Puttige and Marpadi.

Name of village.	Number and name of pattadar.	Assessment.	Amount of penalty levied.	Remarks.
		RS. A.	RS.	
Tenka-mijar.	57. Jennappa Shetty alias Shankara Bhandary.	157 7	..	Kumaki privileges were suspended for a period of five years by the Collector in his order No. 2174/13, dated 16th October 1913.
Badaga-mijar.	15. V. Ramanna ..	14 11	..	Kumaki privileges were suspended for a period of five years by the Collector in his Dis. No. 640, dated 2nd July 1914.
	30. Mariappa ..	25 11	..	Do.
	21 D. Narayana Bhatta.	11 11	..	Do.
	35. Annappa Bhatta ..	31 15	..	Do.
Tenka-mijar.	44. Kaveri Shedthi and Vodipu Shetty.	293 11	..	Kumaki privileges were withdrawn by the Collector in his order No. 1016, dated 3rd October 1914.
Do.	40. Krishnaya Mulgeni Dhumappa Shetty.	20 11	..	Do.
Do.	41. Laxminarayana Pejathaya and Laxumemma.	83 2	..	Kumaki privileges were suspended for a period of five years by the Collector in his No. 638, dated 2nd July 1914.
	100. Laxminarayana Bhatta.	30 2	..	Do.
Puttige.	Manjappa Ballala.	296 3	..	Kumaki privileges were withdrawn by the Collector in his No. 1175, dated 28th July 1914.
	Sankappaya ..	71 8	..	Kumaki privileges were withdrawn by the Collector in his No. 294, dated 28th October 1919.
Badaga-mijar.	17. Venkappaya ..	10 13	..	Kumaki privileges were withdrawn by the Collector in his No. 662, dated 6th August 1920.
	18. Puttaya ..	69 1	..	Suspended for a period of three years—vide Collector's No. 643/23.
Tenka-mijar.	70. Nagamma Hegadthi.	435 8	84	} Notices to pay the penalty on pain of forfeiting their kumaki privileges have been issued by the Collector in his order reference on C. No. 4711/23 V. 2, dated 22nd September 1923, to the Kumkidars concerned.
	32. Shamaya ..	33 6	12	
Badaga-mijar.	9. Venku Bhatta ..	27 8	18	
	11. Mahadev Bhatta ..	2 11	6	
	14. Vasappa Bhatta ..	90 14	96	
	18. Puttaya ..	69 1	6	
	25. Venkatramana Bhatta.	5 10	13	
	27. Narayana Bhatta	31 7	12	
	29. Krishnaya ..	37 0	6	
	30. Mariappa ..	25 11	6	
	31. Devappa Bhatta ..	20 2	18	
	38. Krishna Bhatta ..	1 13	6	
	47. Ramana Bhatta ..	5 10	6	
Kalla-mundkur.	80. Bommu Hongsu ..	29 11	26	
	56. Gumanna Shetty ..	60 4	18	
	64. Narayana Bhatta	37 0	6	
	65. Shinaya and Aithu.	40 6	6	
	115. Parvathi alias Kaveri.	8 6	18	
Puttige.	13. Ranga Bhatta ..	86 13	12	
	50. Dharmasamaraja ..	217 12	44	
Marpadi.	71. Manjappa Ballala.	150 6	42	

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APPENDIX III.

[Vide answer to question No. 161 asked by Rao Sahib U. Rama Rao at the meeting of the Legislative Council held on the 6th February 1924, page 158 supra.]

Rules regulating the functions of Landing and Shipping Fees Committees in respect of the funds entrusted to their management.

1. Any expenditure proposed to be incurred by the port authorities against the Landing and Shipping Fund should be referred for concurrence to the Landing and Shipping Fees Committee.

2. The Landing and Shipping Fees Committee should be consulted as regards provision in the budget estimates of items of expenditure against the Landing and Shipping Fund.

3. The Landing and Shipping Fees Committee may incur contingent charges within the sanctioned allotments for the year, provided their doing so is consistent with the orders of Government for the time being in force relating to any special items of expenditure.

4. The Landing and Shipping Fees Committee may sanction refunds of Landing and Shipping fees if they are satisfied that the refunds claimed are in order.

APPENDIX IV.

[Vide answer to question No. 165 asked by Rao Sahib U. Rama Rao at the meeting of the Legislative Council held on the 6th February 1924, page 161 supra.]

G.O. Mis. No. 1395, P.H., dated the 20th August 1923.

READ—the following papers :—

From the Surgeon-General, No. 1751-5 Est., dated 6th/10th July 1923.

Memorandum No. 16339-1, P.H., dated 12th July 1923.

Order—Mis. No. 1395, P.H., dated the 20th August 1923.

The Government are pleased to pass the following orders on the several points raised in the Surgeon-General's letter No. 1751-5 Est., dated 6th/10th July 1923.

2. *Procedure to be adopted in discharging Sub-Assistant Surgeons.*—The Surgeon-General has already been informed in Memorandum No. 16339-1, P.H., dated 12th July 1923, that the Government are not prepared to reconsider the orders in paragraph 3 of G.O. No. 937, P.H., dated 12th June 1923.

3. *Retention of the excess number of officers in the selection grade as supernumeraries.*—The Government sanction the Surgeon-General's proposal that the excess number of Sub-Assistant Surgeons already in the selection grade may be treated as supernumeraries till they are absorbed in the usual course. An equal number of appointments in the ordinary grade should, however, be kept unfilled so long as these officers continue as supernumeraries and vacancies

[6th February 1924]

occurring in the selection grade should not be filled up by promotion from the ordinary grade until all the supernumerary officers have been absorbed. The Surgeon-General should see that the total permanent strength of the service, inclusive of the supernumeraries, does not exceed the sanctioned strength of the cadre.

4. *Grant of leave to the officers discharged.*—The Government consider that no leave should be granted to these officers beyond the date of expiry of the three months' notice.

5. *Discharge of Local Fund Sub-Assistant Surgeons.*—The Government do not see sufficient grounds for asking local bodies to retire their servants in order to make room for Government officers.

6. In paragraph 4 of G.O. No. 937, P.H., dated 12th June 1923, the Surgeon-General was asked to submit, through the Accountant-General, a detailed statement showing the strength of the cadres of the two services as they will stand after the reduction. The statements appended to the Surgeon-General's letter No. 1751-5, dated 6th/10th July 1923, give only the total number of appointments of Civil Assistant Surgeons and Sub-Assistant Surgeons. The Surgeon-General is requested to submit a more detailed statement explaining clearly how the various figures have been arrived at as regards both permanent and temporary appointments. The statement should, as already ordered, be submitted through the Accountant-General.

(By order of the Government, Ministry of Local Self-Government)



P. L. MOORE,
Acting Secretary to Government.

To the Surgeon-General.

„ Accountant-General.

Copy to the Finance Department.

II

AMENDMENT TO STANDING ORDERS.

The hon. the PRESIDENT :—“ I have to inform the House that the following Gentlemen have been nominated for election to the Select Committee to consider the amendments to Standing Order 44 (1) (i) :—

- (1) Rao Bahadur A. S. Krishna Rao Pantulu.
- (2) Mr. R. Srinivasa Ayyangar.
- (3) The hon. Mr. C. P. Ramaswami Ayyar.
- (4) Rai Bahadur T. M. Narasimbacharlu.
- (5) Mr. B. Muniswami Nayudu.
- (6) „ Janab Muhammad Yahya Ali Sahib.

“ As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely six, I hereby declare the above-mentioned Gentlemen to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote and I nominate Diwan Bahadur M. Krishnan Nayar, a Chairman of the Council, to be a member of the Select Committee.”

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III

COMMUNICATION TO THE COUNCIL.

The SECRETARY then laid on the table a *list of various projects which have been delayed or held up owing to the non-passage of the Irrigation Bill.

IV

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1923-24.

Grant I.

The hon. Sir ARTHUR KNAPP :—" Mr. President, in regard to the first motion which stands in my name I should like with your permission not to move it now, but to withdraw it and give you fresh notice. I may perhaps mention for the information of the House that a doubt has been just brought to my notice as to the precise form in which this motion should be brought forward. I should like to clear that matter before I place it before the House."

With the permission of the House the following motion was not made :—

The Government be granted an additional sum of Rs. 17,200 under Land Revenue Department for the grant of special pay to Deputy Collectors employed on settlement work and revision of adangals.

The hon. Sir ARTHUR KNAPP :—" Sir, on the recommendation of His Excellency the Governor I move—

That the Government be granted an additional sum of Rs. 9,600 under Land Revenue Department for the grant of special pay to officers in charge of parties and to the officer in charge of the Central Survey Office.

" As the House is aware, Sir, it is a matter which has already been under discussion at the last budget. The officers of the survey parties have been in existence for the last 20 years. The necessity for their allowance was explained last year by Sir Habib-ul-lah. He pointed out that every survey party had at least two executive officers of whom one was at the head of the party and that one officer was very much weighed with responsibilities. The fact is, as Sir Habib-ul-lah said, he is in the position practically of a commanding officer with all attendant risks and responsibilities. During the budget debate in the Council last March this allowance was cut out, after a very short debate consisting, if I remember right, of a speech of a few lines by an hon. Member and a very brief reply by the Member in charge. That is as regards the officers in charge of the parties. I may mention that my proposal also covers a similar allowance for the officer in charge of the Central Survey office. That allowance was severely cut out by the Council and the main grounds put forward for their action were that they disapproved in general special allowance and that the recommendations of the Retrenchment Committee ought to be awaited before the House were asked to consider whether this particular allowance was or was not justifiable. The recommendations of the Retrenchment Committee have now been received. In fact, I may say we have waited until their receipt before bringing this matter before the Council. As the Council is aware, the matter of allowance received very special and very careful consideration from the Retrenchment Committee. They were occupied on this subject from October to March and as a result of their labours the allowances all over the Presidency in every department have been systematised and the Committee have put forward proposals which promises

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to result in a saving of 11 lakhs of rupees. Every single allowance has been examined with the most zealous care and while I do not for a moment suggest to this House that it is bound by the recommendations of the Committee, I think, I may say that greatest consideration is due to the recommendations which are the result of so very exhaustive an inquiry and so much labour; the more so when it is remembered that the Retrenchment Committee consists of a majority of elected Members. I, therefore, venture to suggest that unless there are very strong reasons for differing from the opinion of the Retrenchment Committee it is only right that the House should accept their recommendation and pass this allowance."

The motion was put and carried, and the Grant was made.

Grant VII.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I beg to move—

That the Government be granted under Irrigation—

- (i) *an additional sum of Rs. 69,730 under ' 15. Other revenue expenditure financed from ordinary revenues—in charge of Public Works officers,' for repairs to irrigation works in the Cauvery, Madura, Trichinopoly and Tinnevelly divisions ; and*
- (ii) *an additional sum of Rs. 44,628 under ' XIII. Works for which capital accounts are kept—Working Expenses ', for repairs to irrigation works in the Cauvery delta system (Tanjore district), and in the Srivaikuntam and Marudur anicut systems (Tinnevelly district).*

"It may be asked, Sir, why when the Budget is so near us I have come before this House with this grant. The answer is pretty obvious. Such extensive damage has been wrought in regard to these various irrigation systems owing to the inundations and to the floods which have of late taken place that notwithstanding our desire to get as much as possible by reappropriation we have found ourselves unable to finance the necessary works.

11-30 a.m. " Let me with your leave, Mr. President, give details of what has been done. In the first place with regard to the Tinnevelly division, for maintenance and repairs, a sum of Rs. 20,000 is asked for. This additional amount is required for the repair of damage caused to the several banks and channels by the heavy floods and in response to the urgent requests of the Superintending Engineer we have authorized him to proceed with the more urgent works in anticipation of the allotment of funds. In the Trichinopoly division a sum of Rs. 10,000 is required. Owing to the extremely adverse character of the season works have had to be carried on a very extensive scale so as to maintain the requisite supply of water in the most important channels. These works were damaged by the heavy floods of December and either they have to be reconstructed or repaired and the total demand that is required under this head was Rs. 21,500. Out of this we propose to meet by reappropriation Rs. 11,500. It is because we cannot get more by reappropriation that we have come to this House for Rs. 10,000 more.

" Then as regards Madura division the additional amount is required for repairing the damage done during the floods and for urgent works of closing the breaches in various banks. Out of a total of Rs. 23,200 that is required, we propose to meet Rs. 15,000 by reappropriation and have come to this House for the balance.

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"The next item is the Cauvery division. The amount is required to meet the liabilities in carrying out urgent works on account of the erosions caused by the heavy floods. Out of a total of Rs. 34,000, a sum of Rs. 22,000 has been allotted by reappropriation.

"As regards works for which capital accounts are kept, all these sums are required for the repair of damages. I may say to this House that so far as we have been able to meet these costs by reappropriation, we have done so. These are all urgent works caused by the unprecedented happenings of the last few months and I am confident that this House will pass this Demand."

The motion was put and carried, and the Grant was made.

V

THE TUTICORIN PORT TRUST BILL.

Clause 8, sub-clause (1).

The House then resumed discussion on the amendment to item (f), sub-clause (1), clause 8.

Mr. S. SATYAMURTI :—"Mr. President, I was expressing my surprise and my resentment yesterday at the hon. the Leader of the House having ventured to pour ridicule upon this very reasonable amendment of my hon. Friend, when 4 o'clock intervened. I want to resume at that stage and would like to repeat to this House that this amendment aims very moderately at giving expression to feelings, which I know, are shared by every Indian who values the self-respect of his country and since the last debate on a similar nature, events have happened which must have strengthened those who supported that motion and weakened the sentiments of those who opposed it. I need only mention the Kenya Immigration Bill which wants to carry out such reactionary recommendations that even the Conservative Ministry of Mr. Baldwin had to turn it down and ask the Government to frame a Bill on different lines altogether. They have introduced, Sir, in South Africa a Class Areas Bill designed to hurt Asiatics and Indians in particular. Therefore, all the events which have since happened tend to show that we must give some expression to this feeling of resentment. Then the hon. the Finance Member advanced two arguments which I venture respectfully to answer. First he said 'Australians, South Africans and New Zealanders may not feel the effect of the passing of this amendment.' But may I venture to submit to this House that when a man is being beaten by a bully, unless he is a coward, whatever his strength may be, he hits back with all the strength he can command? I am one of those who feel the injustice done to us and it may be my talk may not be effective but my self-respect demands that I should resent it. I will never assent and I hope the House will never assent to the position that, because India is weak, it must also take every humiliation by not even resenting it.

"Then the final argument of the Leader of the House was 'if you adopt this amendment how are the New Zealanders, the South Africans and the Australians going to know that?' When we discussed the question of the boycott of the British Empire Exhibition which would have been broadcasted all over the Empire and would have made the South Africans, Australians and others sit up and realize that India means business, we were told that for various economic and other considerations we ought not to boycott the British Empire Exhibition. Now, when we are putting forward a small amendment, we are told that it is too small and we can do nothing effective, therefore do

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not do it. I am sure this House ought not to reduce itself to the position of impotence, because we must not do great things lest we offend them and small things lest we may not offend them. Therefore the position is this: We want to assert our self-respect. You say that all those who serve on British Indian ports should be British subjects. We say that we are Indians; we are not treated as British subjects in certain colonies and so those colonies shall not have such rights here. I am anxious, Mr. President, that this House composed as it is of different parties of political opinion should all unite in standing up for the self-respect of the country and pass the amendment and give to the world the idea that whatever political differences there may be among Indians, on this matter of the self-respect of India as a nation they are all united, whether they be Ministerialists or anti-Ministerialists. It is with that hope that I venture to support the amendment and I respectfully commend it to the House so that the Government Members who still think in the old ante-deluvian way imagining that India is going to swallow any bitter pills, will also learn that India means business and if the Madras Government feel their responsibility they must revise their opinions on these matters. I therefore strongly support this amendment."

Mr. R. W. DAVIES :—" Mr. President, a soft answer turneth away wrath: and I do not wish to say anything on this occasion which will exacerbate or intensify the feeling which at least one section of the House, and perhaps more than one section entertains. The amendment that has been moved is an amendment which is based on sentiments which I should not attempt to minimise. They are sentiments the profundity and genuineness of which I do not for a moment question. I do not suggest for a moment that I can assuage the feeling which has been aroused over this Kenya question. But I think it desirable to endeavour to do so. In a House which is composed of two races, the two races that are in question with regard to this amendment, it is far from pleasant for a member of one of those races, the race which is attacked, to participate in a debate which is based on grounds of racial sentiments which the members of his own race do not in any way reciprocate. The reason of my intervention at this stage is that I consider that some Member of this House who belongs to the race which is the subject of the attack in this amendment—and it is a very small minority in this House—should rise to explain the position. Myself I am an European in India, in which country I have spent nearly a quarter of a century, and during the whole of that lengthy period, I have never to my recollection been either the target or the victim of any expression of racial ill-feeling. Nor have I myself—and in this I trust that those Indian Members of the House who are my friends and acquaintances, particularly those whom I knew in the mufassal, will acquiesce—nor have I myself ever given rise to any display of racial ill-feeling. In view of this experience of mine, it is not unnatural that I should have every sympathy with the sentiments, the aspirations and the feelings by which the hon. Mover and his Supporter have alike been influenced.

"The hon. Sir Charles Todhunter foreseeing the outcome of the discussion endeavoured to withdraw it from the region of racial controversy. I think that he has not been altogether successful and it is for that reason that I am following the hon. Member who has just sat down to the plane of discussion which he has chosen, and which perhaps he has every right to select. Before returning to this plane, there is one practical consideration which I should like to bring before the House. The present amendment is based on a very keen sense of national consciousness and that consciousness has been aroused

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to a very great extent in recent times, as Mr. Satyamurti will admit, by what is known as the Kenya decision. But I do not consider that the best method of giving effect to this resentment is the one that has been chosen on this occasion. I am merely putting forward this as a suggestion and not in a didactic or dogmatic manner. Almost all the countries of the world have their own Immigration laws and their own Immigration regulations, which are based largely on economic and rarely on political grounds. India, unfortunately for herself, has not yet got the authority to pass Immigration laws and Immigration regulations of exactly the same nature.

11-45 a.m. "But the time is coming, perhaps it may not be very distant, when India will possess that authority and will then be able to prevent and restrict, if she so desires, the entrance into this country of nationals of any other state or colony, the legislation of which in the opinion of Indians is restrictive and inequitable to the citizens of this country. In India, however, owing to the absence of complete power and complete authority to pass such legislation, we see that endeavours are being made in various parts of India to introduce by means of by-laws, by means of rules and in enactments such as the present one, which are only of local interest and application, restrictive clauses which have very little operative effect, which are not germane in real truth to the subject of the Bill and which therefore are bound very largely to prove ineffective. I would suggest therefore that a remedy which cannot prove effective and a remedy which has little relevance to the subject-matter of the particular local Bill should be treated as inadvisable and one that need not be pressed. I would further add, in view of Mr. Satyamurti's reference to the Kenya decision and the Kenya Immigration Bill, that I have seen in this morning paper—whether correctly or incorrectly reported—that it is the intention of the present Government at Home to revise the Kenya decision. And it has been announced both by the Secretary of State and the Viceroy that they are in entire sympathy with the Indians. Moreover a committee is to be appointed, an Indian committee, to deal and negotiate with the British Government in order to secure the review and the revision of the steps which have been already taken and which have given offence to this country. I would therefore suggest that for this reason, as well as for the fact that the clauses have not been operative, the amendment might be dropped.

"One more word before I sit down—to return to the former plane. I may say that all India has been gratified recently by the recovery from a dangerous operation of one whom all Indians respect or revere, particularly the members of the party to which the hon. Member who has just spoken belongs (Mr. Kesava Pillai: "By all"), and more recently still, i.e., only yesterday when this amendment was being moved, an announcement was made that the same revered leader had been released from incarceration (cheers). I would say that this is not the day, nor the occasion to celebrate that release by embarking on a display of racial antagonism or bringing before this Council a debate which is based on racial antagonism. I do not think that if Mr. Gandhi himself were consulted on this matter he would advise the course which has been adopted. I ask those followers of his, not only those who like my hon. Friend from Ganjam wear his uniform, but those who do not, whether their own leader would desire that this matter of a Port Trust Bill should be made the occasion of racial controversy. In the circumstances I would suggest to the hon. the Mover of the amendment to reconsider his motion and withdraw his amendment."

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Against this must be set off the increase of 472 in the number of triune officers in proprietary estates.

As regards the other clauses of the question, the collection of the statistics will involve an undue amount of work in the district offices. The Government do not therefore propose to ask the Board to undertake this.

Rao Bahadur O. TANIKACHALA CHETTIYAR:—“However much it may be inconvenient to call upon the Collectors to furnish information as to the number of appeals received from the village officers in view of the labour involved, I don't think there will be any difficulty in getting the information from the Board of Revenue. I expect that in a place like the Board of Revenue, well conducted as it is, there is a register maintained containing the appeals that have been preferred and another column showing what was done with each appeal, whether it was allowed or rejected. So will the hon. Member be pleased to reconsider his decision and propose to ask the Board of Revenue to give information about a matter about which so much of hardship is felt and much feeling is entertained all over the Presidency?”

The hon. the RAJA OF KOLLENGODE:—“I shall call for the information.”

Water-supply.

Bellary water-supply scheme.

130 Q.—Mr. K. ABDUL HYE SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are willing to take up the Bellary water scheme which has been kept in abeyance for want of funds;

(b) whether it is a fact that there is a great scarcity of drinking water in Bellary town and that the two or three wells which are the main source of supply are getting dried up for want of rain;

(c) whether it is a fact that the Collector of Bellary has pressed the said point several times and, if it is so, what action has been taken on his representation;

(d) whether it is a fact that the supply of water in the Fort ditch has been reserved solely for the Mappilla convicts; and

(e) for how many months the supply of water in the Bellary town will last?

A.—(a) The Government have already decided to take up the scheme at once for execution and have agreed as a very special case to bear 75 per cent of the initial cost of the scheme. The Bellary Municipal Council has been asked to report immediately whether it agrees to impose the taxation required to finance its share of the capital cost and to meet the maintenance charges.

(b) The Government understand that owing to the failure of the rains the water level in all the main sources of supply is very low for this time of the year. These sources are reported to be (1) the artesian well, (2) the Fort ditch, (3) the mainwaring and Nulla tanks and (4) some wells.

(c) The answer is in the affirmative. The Chief Engineer was specially sent to Bellary to report on the water-supply scheme. Work will be commenced very soon and it is expected that the scheme will be completed in less than a year.

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Some people advise that we should legislate only when we have got full powers. Should we not pass a small legislation when we have got power to legislate it? Are we not to make a beginning? As a matter of business

12 noon.

we ought to safeguard the economic principles of the country. Why should we keep quiet, because this Resolution of the Madras Council may not reach the ears of the colonials? Well, Sir, the colonials are far more shrewd than what the Leader of the House takes them to be. Their representatives here will wire to the colonies; there will be a special service of Reuter which will flash urgent telegrams throughout the world that we in this Madras Council have passed a small measure, simply because we do not like the doings of the colonials. They should know that the people who passed the measure have got the fullest sympathy of the Europeans in this country. Whenever and wherever possible legislation will be enacted against the colonials who treat us not like men but like brutes. Therefore, from all these points of view we must legislate as much as possible.

"But we cannot forget what has been said in the name of the great leader Mahatma Gandhi. It was unfortunate that when that matter was referred to in this Council there was not much more jubilation than what was shown by a few members here. The release of the Mahatma is a great national matter. It is a thing for national rejoicing and jubilation. If any one thinks that by passing this amendment we would be marring the effect of his release, or the great joy and gratefulness that we feel towards the Government, however unrighteous might have been his arrest and conviction, I may assure him that this legislation would have no such effect. On the other hand, the release to-day after the great suffering in prison reminds us of the great sufferings of the Mahatma in South Africa. He it was who told us what the sufferings were and how they could be remedied. He taught us to fight the battle of non-co-operation and the battle of passive resistance so far as South Africa was concerned. We should now remind the colonials that we in our humble way remember his sufferings and would teach them to any extent possible that we are also businessmen and we could safeguard our business interests. Therefore I would appeal to the whole House to support this amendment unanimously and carry it through without division."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Mr. President, Sir, I believe the hon. Member Mr. Davies said that it raised a racial question. It is not really a matter which raises a racial question. The amendment is directed only against those colonies which do not treat Indians properly. Indians are citizens of India and as such they have the same rights and liberties as the Europeans and others naturalized here. Indians also have got the same rights of citizenship if they are naturalized in places like England, Scotland and many colonies. It is only in certain colonies that the rights of naturalized Indians are not respected. The present amendment is directed only against those colonies. Probably the wording of the amendment is not good; the words 'unless specially exempted by the Local Government' intended that the Governor would exempt those colonials who come from colonies which do not discriminate against Indians. The real object of the amendment is to discriminate against colonies who do not give full rights of citizenship to resident Indians there. That is the idea underlying the amendment, and looked at in that light I beg to submit that this amendment cannot be construed as evoking racial antipathies. If the Europeans here do not think that they ought not to make common cause with the Europeans in certain colonies who discriminate against Indians I can only say they are not

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taking the proper attitude. It does not raise a general question of race. It is a clear retaliatory measure which wants to discriminate against those people who have passed legislation affecting resident Indians in their own colonies. Looking in that light I hope the European Members of this Council will not object to the amendment. Many of them have adopted India as their home. The position now is clear; and I would request the permission of the hon. the President to move an amendment."

The hon. the DEPUTY PRESIDENT :—" Yes."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I beg to move an amendment—

To delete the words 'unless specially exempted by the Local Government' after British colony and insert 'which does not give full citizen rights to resident Indians.'

" My object is the real object of my friend's amendment. This is a matter of sentiment that exists in this country with reference to the legislation undertaken by one of the colonies. It is a matter in which opinion is quite general. It extends from the Government itself which cannot be said to be purely Indian or to be actuated by racial considerations to the poorest man in the street. Such being the case the object cannot be viewed in any sinister light. It is a question in which every Indian is interested, and as such I hope it will receive the support of everybody in the House.

" The second question raised is whether it would achieve its object of effectively retaliating against the colonies and producing some effect. There are two aspects from which this matter can be looked at. It is a matter of self-respect for us. We don't want that people who don't treat us properly should be treated with all honour, comfort and equal rights in this country. That is one way of looking at it. The hon. Member Mr. Davies spoke about Immigration laws. Now this is a question of dealing with residents in the country. Indians are not getting the rights for which we and the Government of India have asked some colonies. Some of those colonials are trading in Tuticorin; and we shall show them that if they discriminate against Indians they would not have the same rights that we give to other people. That is one way of doing the thing, and I do not know any other effective way in which we can do this. We can only legislate to the extent of our power, to the extent to which we are able. I do not think that the objection raised is quite valid. With these few words, I beg to move my amendment and I request the hon. Members to accept it unanimously."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to second the amendment. We all appreciate the speech of the hon. Member, Mr. Davies, who appealed to the Mover of the amendment to withdraw it. But if there is anyone who has furnished sufficient justification for this amendment it is Mr. Davies himself. If we analyse his views, we would see that he does not oppose the passing of an Immigration Bill when we have the full power to do so. That shows clearly that we will be justified in taking necessary retaliatory measures when we feel that Indians abroad are not being treated properly. When once that position is conceded, it is really difficult to understand how he arrived at the conclusion that the acceptance of the amendment would mean that we do so on account of racial considerations. I am in full agreement with the views of the hon. Member. If we are convinced that this amendment would introduce unnecessary racial questions, I would not myself be a party to it. It only says that if citizen rights have not been

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granted by the Colonial Government, we should also adopt similar measures as far as we are concerned. To-day it may be an amendment regarding the Tuticorin Port Trust Bill; to-morrow it may be another matter; but the question before the House is whether the amendment is reasonable or not reasonable. We are signifying the disapproval of the methods adopted by the Colonies by all legitimate means. If we look at this question from this standpoint, I think all the Members of this House, to whatever race or creed they may belong, will have no objection to give their assent to this amendment.

"We all feel proud that attention has been drawn to the release of Mahatma Gandhi. It has created feelings of joy all over the country. While referring to it we have also been told that it would not be consistent with the occasion that such discussions should be going on. Sir, I take a different view of the situation. It is clear that, so far as we are concerned, we show no racial distinction here. We only express our resentment. We quite realize that the Mahatma, of all others, will be the last man to harbour any racial feeling. Even before his release, while he was a prisoner, laid up in the hospital, he proclaimed from the house-tops that he loved every Englishman in India. There is no other man who would voice such views under such circumstances. He is the only man. I may assure the hon. Members opposite that it is impossible to conceive of any racial distinctions in this amendment at all. On the other hand, it is distinctly the opposite of it. The question is a simple one. It is an admitted fact that there are some colonies which deny the ordinary, elementary rights of citizenship to Indians. In dealing with such colonies, are we not justified in passing a measure in this Council with a majority of Indian Members to the effect that persons of such colonies ought not to be given the same rights as are given to other people? I would ask the European Members of this House to ponder and consider before they give their vote over this question. I fail to imagine how there can be any difference of opinion so far as this point is concerned.

"The hon. the Leader of the House whose remarks we listened to with great attention did not suggest any specific reasons for rejecting this amendment except that it will not produce the desired effect. He did not find any unreasonableness in the amendment itself. He suggested, 'Do you expect this amendment to be circulated broadcast among the colonials so that they might realize the significance of the proposal? Therefore, the amendment may be nugatory.' That is all the objection put forward by the hon. the Leader of the House, and if that is all, I would ask him to consider whether he expects that every provision of any legislative measure is being understood by the whole world at large. We are going to have the Madras Irrigation Bill affecting large sections of our countrymen in this Presidency and in that connexion you will find statements made that there are many who do not understand the provisions of the Bill. Therefore, the possibility that this amendment may not be understood by several persons whom it is intended to affect, need not deter us from passing it even in a measure of this description. Therefore the only test is: is it reasonable or unreasonable? We need not care whether we have the machinery to make this provision understood by the various colonials or not. If we feel that we are justified in imposing this restriction, it is our plain duty to do so.

"I want to refer to one other question before I sit down. In accepting this amendment, I think we will be really giving correct expression to our intentions, that is, giving honest expression of our views. There was so

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much said about political honesty yesterday. If we are really politically honest and if we feel that we Indians should be properly treated in the colonies, we should unhesitatingly accept this amendment. Therefore, I request, that without any dissentient voice this amendment should be accepted. If there is a colony where Indians are being properly treated, it is not fair to say that those Colonials should be subjected to this disability. Where Indians are not granted full rights of citizenship, the members of those colonies should be subjected to this disability.

"I do not think it is necessary to retain the last words of the amendment, viz., 'unless specially exempted by the Governor in Council or the Local Government.' It is not desirable at all to have a saving clause to give power to the Government. If we have a saving clause like that, the whole effect of this amendment will be practically taken away. I think that by giving such power to the Government, Mr. Peddiraju will be taking away the object of this amendment itself. That is what strikes me. I therefore think that the amendment of Mr. T. A. Ramalinga Chettiyar should be accepted by every section of the House, whether Indian or European."

The hon. the DEPUTY PRESIDENT :—"Does the hon. Member Mr. Peddiraju accept the amendment?"

Mr. P. PEDDIRAJU :—"Sir, I will wait a little while and watch the discussion."

The hon. the DEPUTY PRESIDENT :—"We will avoid discussion."

Mr. P. PEDDIRAJU :—"Sir, the words 'full citizen rights' have got a doubtful interpretation in my opinion and therefore I would be glad if it is changed into 'equal citizen rights along with the colonials.' Sir, Kenya Indians are given 'full citizen rights' which does not mean much."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I have no objection to amend my amendment accordingly."

Mr. A. RAMASWAMI MUDALIYAR :—"Sir, I do not think that an amendment can be moved at this stage. The proper procedure would be for the hon. Mover to withdraw his amendment first and then allow the next amendment to be moved."

The hon. the DEPUTY PRESIDENT :—"He will be asked to withdraw. I thought that if this was accepted by the hon. Member, Mr. Peddiraju, it will avoid discussion."

Mr. P. PEDDIRAJU :—"I am not withdrawing my amendment and I do not accept the amendment of Mr. Ramalinga Chettiyar."

The hon. the DEPUTY PRESIDENT :—"The hon. Member wants to add the word 'equal' between the words 'give' and 'citizen'."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I have no objection to the amendment proposed."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I formally move it, Sir."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I formally second it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, with your leave and with the leave of the House, I will take away the words 'white born' from the amendment and then it will read—

'or, is a British subject of any British colony which does not give equal citizen rights with the colonials to resident Indians'."

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The hon. the DEPUTY PRESIDENT:—"Mr. Peddiraju will please withdraw his amendment."

Mr. P. PEDDIRAJU:—"The amendment in favour of which I am asked to withdraw mine may be read, Sir."

The hon. the DEPUTY PRESIDENT:—"I thought the hon. Member was all attention. It runs thus:

'or is a British subject of any British colony which does not give equal citizen rights with the colonials to resident Indians.'

"Is the hon. Member satisfied now?"

Mr. P. PEDDIRAJU:—"Sir, I beg leave to withdraw my amendment in favour of the one proposed by Mr. Ramalinga Chettiyar."

The amendment was by leave withdrawn.

Mr. BRADFORD LESLIE:—"I would like to ask one question, Sir, and that is, whether the word 'Colonial' includes the Self-Governing Dominions of the Empire."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"It does."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not want the House to be under a misapprehension. On the principle of statutory construction, the word 'Colonial' does not include Self-Governing Dominions."

Mr. C. RAMALINGA REDDI:—"Since my hon. Friend has raised this question, why not we make it clear by saying 'Colonies or dominions'?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I suggest for the consideration of the House and of the Leader of the House that as this is a matter in which an amendment upon amendment upon amendment has been proposed, this matter may be postponed till to-morrow to see if a kind of formula cannot be framed or a formula which may be beyond the range of controversy introduced? If I may say so respectfully, I am only speaking from the point of view of making the Statute perfectly clear. I earnestly appeal that the discussion on this clause may be held over till to-morrow so that what is in the minds of the various hon. Members may be carefully considered. We desire accuracy of language."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"There is no objection to that course being adopted."

The hon. the PRESIDENT:—"I take it that the hon. the Leader of the House has no objection to having this clause taken up to-morrow."

The proposition that clause 8 of the Bill be taken up to-morrow (7th February 1924) was agreed to.

Clause 9.

Rai Bahadur T. M. NARASIMHACHARLU:—"I beg to move—

for the words 'Local Government' occurring after the words 'but the' substitute the word 'Board.'

"Clause 9 will then read thus:

'The Chairman and Vice-Chairman shall hold office during the pleasure of the Local Government. The remaining Trustees shall hold office for a term of two years from the date of election or appointment, as the case may be, but the Board may at any time accept the resignation of any Trustee.'

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"It will be seen from the nature of my amendment that it is unnecessary that the Local Government should have the power to accept the resignation. The Board itself can do it and that power can therefore be given to the Board instead of to the Local Government. My point is that the Board can be trusted at least to accept resignations. If the Board cannot be trusted with other powers, it can at least be trusted to accept resignations. That is my position."

Mr. R. SRINIVASA AYYANGAR :—"I second the amendment."

The hon. Sir CHARLES TODHUNTER :—"Sir, this is not a highly important proposal for enhancing the powers of the Port Trust Board. The present wording of the clause was taken from the Madras Port Trust Act. The reason for this wording is simply that the Local Government has to nominate trustees and therefore, if a particular trustee wishes to resign, he intimates his desire to resign to the Local Government and the Local Government accepts it and nominates a successor. The creator accepts the resignation of the creature. I think that is the normal and proper procedure. I do not wish to press my opposition to this motion, but I think it is not very desirable to make a minor difference between clauses when dealing with the same question in different places. In all the other Acts, this power is reserved to the Local Governments. I should therefore prefer it if the hon. Mover would leave matters as they are, but, if he presses his amendment, I shall be prepared to accept it, though with some reluctance."

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I see that the Government always thinks of nominations. The Board consists also of elected members and I do not see why the Government should have the power to accept nominated members' resignations as well as elected members' resignations. I trust the hon. the Leader of the House would accept this."

The hon. Sir CHARLES TODHUNTER :—"Sir, since the hon. Mover sets so much store by this amendment, I accept it."

The amendment of Mr. Narasimhacharlu was then put and carried and added to the Bill.

12-30 p.m.

Clauses 9, 10 and 11 were consecutively put, passed and added to the Bill.

Clause 12.

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I beg to move the following amendment:—

For the words 'one month', substitute the words 'two months'.

"It will be seen that the clause says that

'On the occurrence of a vacancy in the office of a Trustee elected under section 6, the vacancy shall be filled up within one month by the Chamber of Commerce or the Municipal Council, as the case may be.'

"The next clause, that is clause 13, says that

'If a trustee is not elected on the date notified under section 10 or within the period allowed by section 12, the Local Government may appoint a Trustee and the person so appointed shall be deemed to be an elected Trustee.'

"Now, Sir, on account of the stringency of clause 13, if by any chance there was delay and the period of one month elapses, the Chamber as well as

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the Council may lose the chances of election altogether. Therefore I submit that this one month is too short and I propose to substitute two months for one month."

Mr. R. SRINIVASA AYYANGAR seconded the motion.

Mr. C. GOPALA MENON :—" Mr. President, Sir, I oppose the amendment for this reason ; that if there is a delay of two months, the interests of the Chamber by not having a representative on the Board for looking after their interests will suffer. As vacancies have been filled up within a month's time in Madras, there is no reason why a similar Port Trust like the Tuticorin Port Trust could not hold an election and return a representative within one month."

The hon. Sir CHARLES TODHUNTER :—" Mr. President, this again is not a matter of very vital importance, and I may repeat that it is just as well to stick to the existing practice, which has not yet given rise in Madras to any difficulty. I think there is less reason to suppose that it will present any difficulty in Tuticorin where everybody can be found within a hundred yards. If, owing to factions for or some other reason election in these bodies is delayed, their interests may suffer. As I pointed out on another motion, the interests are very much divided, and if you find certain interests not represented at all at any meeting of the Board owing to the failure of a particular body to carry out an election within time, it would not be very desirable. In a small place like Tuticorin, an election can be managed in one day if necessary. Therefore I should prefer that these minor amendments were withdrawn."

Rai Bahadur T. M. NARASIMHACHARLU :—" As my own party man objects to my amendment, I beg leave to withdraw it, Sir."

The amendment was by leave withdrawn.

Clauses 12, 13 and 14 were then consecutively put, passed and added to the Bill.

Clause 15.

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I move the following amendment :—

In sub-clause (2) for the words ' Local Government ', substitute the word ' Board '.

" This is also a question in regard to which the Government think that they can know the intentions of a trustee who is absent, better than the Board itself, whose members are present on the spot. I think they, the members, are expected to know better the intentions of the person who is absent, and I do not see any reason why, if there is any doubt at all on the question, that should be decided by the Local Government and their decision should be final. I think, Sir, in a matter like this the decision of the Board will be more acceptable than the decision of the Government which sits far away from the locality. I therefore commend this amendment for the acceptance of the House."

Mr. C. V. VENKATARAMANA AYYANGAR seconded the motion.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, I would ask the hon. Member for Cuddapah to consider this point. The question of the appointment of acting trustee is raised where any trustee departed with any

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particular intention. The hon. Member will be aware that there may be cases where on account of local factions or jealousies the Board may itself come to a clearly adverse conclusion. Is it not much better that, where a question of whether a trustee who departed with a particular intention or other should forfeit his seat arises, persons not on the spot but holding a detached position should be placed in the position of judges? After this explanation, I hope the hon. Member would not press his amendment."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I would only submit that there is absolutely no reason to apprehend that they are going to establish a Board with factious members in it. If those members can be trusted with the daily management of the work of the Port Trust, I do not see why on this particular matter they should not be trusted. If you assume that the Board will consist of factious members, it is much better that we do not enact this legislation at all. If you assume that normally they will be all sensible persons, then I do not see any reason why they should not be given this power of deciding whether a particular Member departed with a particular intention or not. I submit that the argument advanced even by the hon. the Law Member is not at all convincing to me."

The hon. Sir CHARLES TODHUNTER:—"Sir, may I point out, with reference to this third attempt to paint the lily and to guild the refined gold of the Madras Port Trust Act, that the hon. Gentleman seems to have overlooked the words with which the clause begins? The clause only comes into operation if a question arises as to the intention with which a trustee has departed. If the trustees are all such good people as my humble Friend says, no question will arise; so no harm will be done. Again, as I said in connexion with another clause, this is a provision common to all the large Port Trust Acts in India, and it is intended for exceptional cases in which an awkward question may arise between parties on the Board. In such cases, as my hon. Colleague the Law Member has said, the matter would be better dealt with by an impartial body, and not on the spot."

The amendment was by leave withdrawn.

Clauses 15 to 21, both inclusive, were all consecutively put, passed and added to the Bill.

Rai Bahadur T. M. NARASIMHACHARLU:—"Yesterday, the hon. the Leader of the House said that he would propose an amendment under clause 22."

The hon. the PRESIDENT:—"I understand that it will come after clause 22 is passed."

The hon. Sir CHARLES TODHUNTER:—"Sir, I beg that the consideration of clause 22 may stand over till after I move this amendment.

"In accordance with the undertaking given yesterday, I now beg to move, subject to the permission of the House, that there be added after clause 22 the following clause as clause 23:

'23. *Notwithstanding anything contained in this chapter, the Local Government may by notification direct that the Board shall elect, in such manner as may be prescribed, one of its trustees as vice-chairman. Such vice-chairman shall hold office for the remainder of his term as trustee. The provisions of sections 14 and 16 shall not apply to a vice-chairman elected under this section.*

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"I think the reason for this clause has been sufficiently explained, and I do not think that I need go into it at length."

The hon. Mr. C. P. RAMASWAMI AYYAR seconded the motion.

The new clause 23 was put, passed and added to the Bill.

Clause 22 was then put, passed and added to the Bill.

The hon. Sir CHARLES TODHUNTER :—"Sir, I now ask the permission of the House to move the following comprehensive amendment providing for all the alterations in the numbers of sections in the case of all the clauses following clause 22 and all references to them in other sections throughout the Bill :—

- (1) *Re-number existing clauses 23 to 120 as clauses 24 to 121 respectively.*
- (2) *In clause 8—*
 - (a) *in sub-clause (1) (d), for the figure '27', substitute '28'.*
 - (b) *in sub-clause (1) (e) (vii), for the figures '39' and '41' substitute '40' and '42' respectively.*
- (3) *In clause 22, sub-clause (3), for the figures '24', '97' and '23' substitute the figures '25' and '98' and '24' respectively.*
- (4) *In existing clause 23, in the 'Explanation', for the figures '24' and '26' substitute the figures '25' and '27' respectively.*
- (5) *In existing clause 24, sub-clause (3), for the figure '99' substitute '100'.*
- (6) *In existing clause 25, for the figures '23', '24', '24' and '99' substitute '24', '25', '25' and '100' respectively.*
- (7) *In existing clause 26, sub-clause (1), for the figures '24' and '23' substitute '25' and '24' respectively.*
- (8) *In existing clause 27, paragraph 1, for the figures '23', '24' and '26' substitute '24', '25' and '27' respectively.*
- (9) *In existing clause 32, sub-clause (8), for the figure '39' substitute '40'.*
- (10) *In existing clause 36, for the figures '33' and '34' substitute '34' and '35' respectively.*
- (11) *In existing clause 39, sub-clause (2), for the figure '41' substitute '42'.*
- (12) *In existing clause 40—*
 - (a) *in sub-clause (1), for the figure '39' substitute '40'.*
 - (b) *in sub-clause (2), for the figure '39' substitute '40'.*
- (13) *In existing clause 41—*
 - (a) *in sub-clause (1) (a), for the figure '39' substitute '40'.*
 - (b) *in sub-clause (1) (b), for the figure '40' substitute '41'.*
 - (c) *in sub-clause (3), for the figures '39', '43', '44' and '45' substitute '40', '44', '45' and '46' respectively.*
 - (d) *in sub-clause (4), for the figures '43', '44', '45', and '40' substitute '44', '45', '46' and '41' respectively.*

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- (14) *In existing clause 42, sub-clause (1), for the figures '39' and '41' substitute '40' and '42' respectively.*
- (15) *In existing clause 43, for the figure '41' substitute '42'.*
- (16) *In existing clause 45, for the figures '43' and '44' substitute '44' and '45' respectively.*
- (17) *In existing clause 46—*
 - (a) *in sub-clause (1), for the figures '43', '44' and '45' substitute '44', '45' and '46' respectively.*
 - (b) *in sub-clause (3), for the figures '43', '44' and '45' substitute '44', '45' and '46' respectively.*
- (18) *In existing clause 48, sub-clause (1), for the figures '74' and '66' substitute '75' and '67' respectively.*
- (19) *In existing clause 49, for the figures '43', '44', '45' and '46' substitute '44', '45', '46' and '47' respectively.*
- (20) *In existing clause 55, for the figure '56' substitute '57'.*
- (21) *In existing clause 59, for the figure '54' substitute '55'.*
- (22) *In existing clause 62, sub-clause (1) (b), for the figure '55' substitute '56'.*
- (23) *In existing clause 65, for the figures '110', '111' and '113' substitute '111', '112' and '114' respectively.*
- (24) *In existing clause 78, sub-clause (1), for the figure '98' substitute '99'.*
- (25) *In existing clause 88, for the figure '87' substitute '88'.*
- (26) *In existing clause 91, for the figures '88', '89' and '90' substitute '89', '90' and '91' respectively.*
- (27) *In existing clause 97, sub-clause (1), for the figures '23', '24' and '26' substitute '24', '25' and '27' respectively.*
- (28) *In existing clause 99, for the figure '98' substitute '99'.*
- (29) *In existing clause 107, for the figure '84' substitute '85'.*
- (30) *In existing clause 108, for the figures '33', '34' and '36' substitute '34', '35' and '37' respectively.*
- (31) *In existing clause 114, for the figure '101' substitute '102'.*
- (32) *In existing clause 118—*
 - (a) *in sub-clause (2) (e), for the figures '39' and '40' substitute '40' and '41' respectively.*
 - (b) *in sub-clause (2) (f), for the figures '39' and '42' substitute '40' and '43' respectively.*
 - (c) *in sub-clause (2) (g), for the figure '87' substitute '88'.*
- (33) *In Schedule I, in the heading, for the figure '28' substitute '29'.*

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second the motion."

The hon. the PRESIDENT :—" The hon. the Leader of the House has indicated a number of amendments affecting only the numbering of clauses and the cross references to numbers. There are 33 of them and any hon. Member who wishes to examine the list may do so.

12-45 p.m.

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[The President]

The amendments have been duly seconded. If the House has no objection, we will take these amendments as read and I shall put them to the House. I take it nobody has any objection. They are merely numerical."

Mr. C. RAMALINGA REDDI :—" They are numerical and numerous."

The hon. the PRESIDENT :—" The question before the House is whether the amendments consequent on the introduction of a new clause after clause 22, be passed and stand part of the Bill."

The motion was put and passed. The amendments were carried and allowed to stand part of the Bill.

There being no amendments to clauses Nos. 23 (old number) to 120 (inclusive), they were put, passed and allowed to stand part of the Bill.

Schedule I was then put, passed and added to the Bill.

The hon. Sir CHARLES TODHUNTER :—" May I now move, Sir, that further discussion of the Bill be adjourned till to-morrow in order that we may arrive at a satisfactory conclusion on the subject of clause 8 ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

VI

ELECTION OF MEMBERS TO THE MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE.

The hon. the PRESIDENT :—" I have a small announcement to make before we take up the next item on the agenda, and that is, that the ballot papers for the election of Members to the Advisory Committee of the Madras and Southern Mahratta Railway will be distributed by the Secretary during the luncheon interval. The ballot box will be placed in the Secretary's room and will be at the disposal of voters between 5 and 6 p.m. to-day ; the result will be declared to-morrow. The nominations are—

Mr. V. Madhava Raja.

Mr. J. D. Samuel.

Mr. P. Siva Rao.

Mr. Sami Venkatachalam Chettiyar.

Mr. W. Vijiaraghava Mudaliyar."

VII

THE MADRAS IRRIGATION BILL.

The hon. Mr. C. P. Ramaswami Ayyar having been called upon to make the motion which stood against his name as the next item on the agenda, Rao Bahadur C. V. S. NARASIMHA RAJU rose and said :—" Mr. President, under Standing Order No. 34, I move that the consideration of this item on the agenda, viz., the motion of the hon. the Law Member regarding the Madras Irrigation Bill, be postponed till the first day of the next session."

The hon. the PRESIDENT :—" The hon. Member will have to wait until the motion has been made."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Under Standing Order No. 34, no notice is necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Until the House is seised of the business, no motion for adjournment can be made. Mr. President,

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I beg leave under the Standing Orders to introduce the Bill and I shall move that the Bill entitled 'The Madras Irrigation Bill' be read in Council."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I rise to a point of order, Sir. A motion for adjournment has been made by my hon. Friend, Mr. Narasimha Raju, under Standing Order No. 34. That rule provides for an item of the business being postponed. The item of the business to be taken up is the consideration of the Irrigation Bill. Until that motion is disposed of, I do not think that the hon. the Law Member can make his motion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" On that, Mr. President, may I say a word? If the parliamentary precedents be consulted, they are clear to the following effect. I had anticipated a motion of this kind. At page 251 of the latest edition of May, you will find that it is only in the midst of a debate on a question that a Member may move that the meeting be adjourned. Adjournment cannot be granted (that is at page 282) for the purpose of obtaining a postponement of a matter like a legislative business standing on the notice paper. At page 283 it will be found that it is not regular to discuss the merits or the demerits of a Bill and ask for postponement for the purpose of withdrawal or postponement until the House has been formally seised of the business."

Mr. S. SATYAMURTI :—" May I say one word, Sir? We go to analogous provisions in other places only when there is no distinct provision in our own Standing Orders. If you will kindly turn to Standing Order No. 34, you will find this :

' A motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question but not so as to interrupt a speech. If the motion is carried, the meeting or business shall be adjourned or postponed accordingly . . . '

I suggest, therefore, Sir, that the words 'at any time' mean 'at any time', and, as a matter of fact, the hon. Member, Mr. Narasimha Raju, moved for the adjournment of the business before the Council at a time so as not to interrupt anybody's speech. I, therefore, submit, Sir, that the motion is properly made, and it is for you now, Sir, to allow a discussion on that. If on putting the motion to the House it is carried, the business will stand adjourned. That is my submission, Sir. May's Parliamentary Practice has nothing to do with this."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" On more than one occasion such an adjournment has been moved in this House."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" As a matter of precedent, Sir, when the Irrigation Bill of 1914 was attempted to be moved by the hon. Sir Alexander Cardew, a motion for adjournment of that business was moved by the hon. Mr. Sarma. Therefore, the hon. the Revenue Member had no opportunity of moving that question. There is that precedent, Sir. The motion was made and carried, before the Bill was introduced."

The hon. the PRESIDENT :—" The hon. Member might have given me some notice of his motion. It is obviously a very important point and cannot be disposed of at a moment's notice. The House will now adjourn for lunch and re-assemble at 2 o'clock, when I shall give my ruling on the point."

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Mr. C. V. VENKATARAMANA AYYANGAR :—“ I have also given notice of a motion for adjournment, Sir. That may also be considered.”

The hon. the PRESIDENT :—“ That will be considered after 2 o'clock.”

The House then adjourned for lunch.

After lunch (2 p.m.)

The hon. the PRESIDENT :—“ The points of order upon which I have to give a ruling are : (1) whether the motion that any business be adjourned can be moved under S.O. No. 34 before the meeting at which the motion is made has become seised of the business in question ; (2) whether in the particular case in question, namely, the introduction of the Madras Irrigation Bill of which due notice has been given by the hon. the Law Member, who was due to speak thereon at 1 p.m. to-day by leave of the President, the hon. Member, Mr. C. V. S. Narasimha Raju, had the right to make a motion under S.O. No. 34 so as to prevent the hon. the Law Member from making his speech introducing the Bill.

“ On the first point the hon. the Law Member contends that the answer, if parliamentary practice is to be followed, should be in the negative. It may be necessary to consider this point on some future occasion. But I do not think it arises now, because I consider, with reference to point (2), that the hon. Member, Mr. C. V. S. Narasimha Raju, had no right to make a motion so as to prevent the hon. the Law Member from beginning his intended speech. It is agreed on all hands that if the hon. the Law Member is once permitted to begin his speech, he has the right not to be interrupted until it is over by a motion under S.O. No. 34. Two hon. Members, the hon. the Law Member and Mr. C. V. S. Narasimha Raju, were on their feet at the same time, of whom the former had obtained the President's leave to speak next, and the latter had not, although by rising from his place he certainly intimated a desire to speak. Such a desire, in ordinary parliamentary phrase, is an *inchoate* desire until the Member who has risen has caught the Speaker's eye. I consider that of the two hon. Members the hon. the Law Member had obtained the right to speak first, and except on a point of order he had the right not to be interrupted by the hon. Member, Mr. Narasimha Raju. This ruling answers the points of order raised by the other hon. Members who took part in the same discussion.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, I realize that I am performing a very difficult task indeed in moving for leave to introduce the Irrigation Bill. I realize the circumstances which led to the rejection by a big majority of this House of the Bill which was introduced by my very eminent predecessor, the late Sir K. Srinivasa Ayyangar. Realizing those circumstances, I also realize that the Government have taken certain steps to overcome some of the difficulties which threatened and ultimately endangered the passage of that Bill through this House. It may be that all the difficulties which are confronting hon. Members have not been solved. It is perfectly true to say that the proceedings of the Irrigation Bill Committee which had been placed on the table of this House would disclose that on many matters the Government have not been able to adopt or accede to the demands made by that Committee ; for certain of those departures from the recommendations of this Committee the Government must assume responsibility, and for others they cannot, and those others are not unimportant. I may say that we have been obliged to follow the mandate of

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the Government of India in certain particulars. But these are matters which I shall develop later on.

"But let me assure this House that to any representation coming from any quarter of this House in the course of the passage of this Bill or any appeal from any vested interest—should I be so fortunate as to secure that particular stage in its destiny of passing through the Select Committee—to offer representations, the Government will bestow its most anxious consideration.

"Let me in the first place allude to that memorial, that very moderately expressed and convincing memorial presented yesterday by my hon. Friend, Dr. P. Subbarayan, on behalf of the landholders, an appeal which bears on its face the impress of the work of one of the acutest and the justest lawyers in the Presidency of Madras, Mr. S. Varadachariyar, to whom I shall take this opportunity of paying the tribute that he deserves. We found in him a just critic and a sagacious opponent and I could see both from the studied language and moderation of the memorial that Mr. Varadachariyar had presented, as he alone could present, a case with a cogency all his own. There are two or three points in that appeal which deserves and will receive very careful consideration at the hands of the Government. There are two points especially, which I shall have to advert to, later on on which differences of opinion are not only natural but also appropriate and which will receive careful consideration at the hands of the Government.

"Now after having said that I may say this: Why have I not acceded, as normally any Government anxious to introduce such a big and largely conceived legislation like this would accede, to the request of Mr. Narasimha Raju for the motion for adjournment?"

Rao Bahadur C. V. S. NARASIMHA RAJU:—"No motion was made."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I stand corrected. I meant the motion that was attempted to be made. I hope the House would kindly forgive that inaccuracy.

"Speaking on this matter in the year 1905, the Government of India said this. They were asked on that occasion for a large loan in regard to the Cauvery project, and what did the Government of India say? They said:

'The Government of India, as at present advised, are decidedly of opinion that legislation is necessary in Madras in order to secure to Government such power of control over the waters stored for irrigation as will enable it to make the best possible distribution thereof and to prevent embarrassing litigation, although they will be prepared to consider the present scheme when they have received a satisfactory reply. Even in the event of the sanction of the Secretary of State being accorded, they would be reluctant to authorize the commencing of construction until the irrigation law has been placed on a satisfactory state.'

They said this in 1905. We again approached them with regard to a large irrigation project in 1909. What did they say then? They said:

'I am to invite attention to the correspondence of the Government of India in which the Government of India have expressed their reluctance to authorize the commencing of construction of the Cauvery project until the irrigation law has been amplified so as to secure for the Government such power of control over water made available for irrigation at public expense as would enable the best possible distribution in the supply of water and to avoid embarrassing litigation. The Government will therefore not be able to recommend the undertaking of such a large and costly scheme as the Tungabhadra project until the necessary legislation has been made.'

"Similar statements were made in 1912, again in 1919. I may say that a similar statement was also made when I proceeded to Simla in connexion with another large project, the Metur project,

2-15 p.m.

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and made an appeal to the Government of India. We feel that, whereas other provinces are stealing marches over us, we are behind them very much. What is the reason? Within the last two or three years, the Satlej project has practically reached fruition; the Sukkur project has been sanctioned; and such other projects have been taken up taking advantage of the limited amount of money available to them. We feel pessimistic about being able to get any money necessary for our large projects unless we are able to go and tell them, 'Your objections have been answered; your difficulties have been remedied; this Presidency is willing to place the Irrigation Law on a satisfactory basis.' It may be that among Members on this side of the House; or on the other side of the House, or within one side of the House, there might be differences as to details. But from my place here I will say this: that the Government is ultimately pledged to no more, but to no less, than this, namely, the principle that is enunciated by the Government of India, and they are pledged to this for the simple and obvious reason that unless they pledge themselves and they pledge this House to that principle they may not be able to carry out these schemes which are necessary, vitally necessary, to an agricultural population like ours. Whenever I come before this Council asking for grants for irrigation, I have met with generous response, and that is so because it is realized and justly realized that irrigation is the first and foremost duty of the State in this country. They realize that in an agricultural country, dry in many places as this Presidency is, without adequate facilities for irrigation, we shall not produce any prosperity. Let us for a moment think of the two large schemes which are before us. Take the great Sangameswaram scheme. This is in a somewhat inchoate stage, inchoate because His Exalted Highness the Nizam has to consent to certain pourparlers in order to put that scheme into execution. But if we have the means and that scheme is started, what does it mean? It means that it will be possible to traverse the greater part of Southern India, from the Kistna up to the Cooum, taking that project through some of the most arid and desolate parts of the Ceded Districts so as to make those districts a garden of vegetation instead of being the barren scene of conflicts between officials and famine conditions.

"Take again the Metur scheme. What will it mean? We have an extent of a quarter of a million acres which will become available for irrigation, and irrigation will be on the same lines as in the Cauvery delta. That region will be a garden whereas it is practically barren and desolate to-day. I have only recounted the two most important and largest schemes. There are tens, dozens, and hundreds of schemes awaiting development. Wherever we turn, we are handicapped by the lack of legislation, and it is for that reason that successful administrators have failed to achieve a solution of this problem of agricultural depression.

"As I said, what is the Government pledged to? The Government is pledged—again I repeat from my place here—pledged to no more than the maxim stated in that letter of the Government of India, and to no less. So long therefore as Government is able to inaugurate its great schemes so as to make it possible for these schemes to traverse proprietary and ryotwari tracts, so as to make it possible for the Government to see that the schemes pay their way with a proper perspective of the needs of the province, it is all that they are concerned with. In this connexion, it must be realized that these projects must be viewed from the point of view of the whole Presidency. It would not do to take a parochial view of one particular

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project considering whether that one pays or not. We must take a birds' eye view of all the irrigation projects and see that they are put on such a footing that they are able to pay their way and that the ideal should be the greatest good to the greatest number. The Government is not committed in the sense of being forced to embark on any new and indefensible system of taxation. They do not desire to confiscate. They have not embarked on any policy of taking away the existing rights of proprietary landholders. I am now reminded of the passage in one criticism which was made on this matter. I may say at once that I have received complaints that I have not given a full hearing to all of them. The newspaper *Swarajya* started by saying that I was going to placate zamindars because I have yielded to their blandishments and their undoubted influence. The next day, the same newspaper in connexion with the possibility of the further progress of this Bill, has said that the Ministers propose to support the Bill, that they have sold the zamindars and that the zamindars can no longer rely on the Ministers. It seems to me that when those two issues are read together, I can legitimately say that on the whole the path I have pursued is right. If to-day it is alleged I have yielded to the zamindars and to-morrow I am charged with something to the contrary, I think on the whole I have struck the right path. Now, I do not desire to pursue this matter. But I do desire to say that it has not been the desire of the Government, it has not been the object of myself or of anybody charged with the responsibility for this legislation to take away any rights or to trample upon any obligations that have been incurred. Attempts have been made to carry out the doctrines as far as possible laid down in the decisions on the mutual relations of the zamindars and the proprietors with the Government. We have been attempting in this respect to incorporate the very words of the Urlam decision. I realize that in a part of that memorial to which I have already adverted it has been said that what I have given by one hand is sought to be taken away by another. If that be so, there is nothing to prevent any attempt to bring into operation, all the decisions that to-day regulate and have sought to regulate the mutual relations between the zamindars and the Government.

"Now, then, after having said that, I must at the risk of appearing to be censorious say this: that I have with very great care perused many criticisms on this Bill. But what I cannot understand is the attitude on the part of the persons who are pledged to make such alliances as will defeat the Government and to enter into such combinations as will force the Government measures to be thrown out. To such Members of such a party and to all Members—here again the nominated Members are not at a discount—I earnestly appeal not to reject the Bill because of its present form and not to get consideration of this Bill postponed for a long time so as to enable people to express their views; because that is not a fair and just appraising of the work on this Bill. I plead for generosity of treatment in regard to this matter. It is not the object of this Bill to confiscate zamindari rights; it is not a Bill to take away any right of the ryotwari or the proprietary landholder. It may be that though animated with these objects we have imperfectly carried out those objects; it may be that we have not succeeded in giving effect to all the desires of the more forward and progressive Members of this House. If so, they have every chance, every opportunity to put forward their contentions in the Select Committee and in this House when it comes for full consideration.

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"Now, I am in one respect in a more fortunate position than that great lawyer who moved this Bill on the last occasion. I have the support of my hon. Colleagues, the Ministers, not a blind and unquestioning support, not a mere adherence for adherence's sake, but I have their support for the general principles of the Bill; they are critics of some of the details found there. Nevertheless, they are willing to concede to the root principle of this Bill and have this discussed. I have the support of many of the prominent Members and responsible men on the Opposition benches who also hold the view that an irrigation law is necessary and is absolutely inevitable and that unless that is done no agricultural progress is possible. Fortified by the support of my Colleagues to my right and of my Colleagues on the Opposite Bench, I approach this Council and ask them to consider this Bill with an eye to its principles and not to oppose for opposition sake.

"Now, let me consider another aspect of it, namely, the possibility of a long adjournment which has been adverted to in the newspaper *Swarajya*. Let me recall the work of that Committee, and in this connexion my zamindar friends will not mistake me if I say this: that I nominated zamindar after zamindar to serve on that Committee. For some reason or other, they could not and did not take active part in the deliberations of that Committee. But I must make an exception with regard to the Secretary of the Landholders' Association, Mr. Venkataranga Rao, who attended every sitting from the first to the last, and no more truculent and no more persevering critic could be found to some of its provisions than my respected friend Mr. Venkataranga Rao. But my hon. Friend opposite, the Raja of Ramnad, absented himself on more than one occasion. I asked my hon. Friend the Raja of Telaprole to attend. But he did not attend except once or twice; the Raja of Vizianagram asked the Diwan to attend on two occasions, and he finally presented me with a statement that this Bill was useless. Then I asked the Maharaja of Pithapur to attend. He said he could not. Whom else can I ask than these three considerable zamindars? They are the persons with the greatest stake in the country. I asked them to come and help to remedy the defects and to take away the difficulties found in the Bill. For some reason or other, they did not attend, but still I would implore them to take an interest in this Bill and put forward suggestions, constructive suggestions. I for one will welcome the day when they all will join to consolidate and put forward their contentions. And there is one thing more to be said on behalf of the zamindars. As I have already said, I have referred to my Friend Mr. Venkataranga Rao. Mr. Narasimha Raju, who is himself a large proprietor and who represents a zamindari constituency, was there from first to last."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I did not represent the zamindars there."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"He represents a constituency which is largely zamindari. Am I correct? (After a pause) My hon. Friend, Mr. Narasimha Raju, attended on every occasion, and I will indeed be failing in my duty if I were not to acknowledge that most of the changes that have been introduced into this Bill and most of the amendments that have been made have been his and his only. Now, if the zamindars feel aggrieved that more has not been done in order to assuage their fears, well, I must say at the risk of offending some of my hon. Friends who are here,

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that it is largely their fault. Because if they had attended we should have had that help that we have a right to expect.

"And, now, let me turn to another series of criticisms which have also a bearing on the issues on this subject. It has been said that riparian rights have not been safeguarded, that they have not been properly codified, and that no attention has been paid to them. May I remind this House that so far as the relation between the ryotwari holders in the ryotwari tracts and the Government is concerned, there is no difference between this Bill and Sir Srinivasa Ayyangar's Bill, and yet during the whole of this year no criticism has appeared until this Bill was published from the ryotwari holders or on behalf of any of them. Might I not therefore presume that what has escaped the vigilant and ceaseless attention of the representatives of these interests during all these twelve months might also have escaped the eye of the Law Member and his committee and his advisers? We may have omitted to bring forward provisions safeguarding all those interests. But what is there to prevent them from putting forward their case belated though it may be?

2-30 p.m. "Then to come to the application for adjournment of the Bill. In so far as this Bill is an alteration or modification of the last Bill it must be admitted that it is a modification in favour of the zamindars and not against. If there are any new points that have to be brought forward, the zamindars, the illustrious representatives of the hereditary aristocracy of the country, had the opportunity all these twelve months to bring forward. They cannot quarrel with me and say 'You have improved it in our favour; we want more time.' I humbly submit that an application for adjournment on that score does not look fair. If for twelve months they have not thought about these matters and put forward their suggestions, I cannot help it. Nobody can leave them out. The constitution of this House cannot leave them out. All I say is that the application for the adjournment of the consideration of this Bill is prompted neither by the desire to help the zamindars or the ryots. I must be pardoned for putting this case strongly. A mere blocking or obstructive application is a thing which I deprecate with all the strength I can command. Forgive me if I say that I cannot otherwise construe the application for long adjournment excepting on that basis. Because at the risk of repetition may I say this that the changes between the last Bill and the present one are changes in favour of the zamindars. So far as the old Bill was concerned their criticisms are writ large over the pages of newspapers, law journals, and other places. So far as the ryots are concerned they had a champion, a doughty champion, in Mr. Ramachandra Rao, and there may be points which he failed to press forward and which may yet come forward. All that I say is, there is yet time for further consideration. Therefore a mere adjournment for six months or three months is not a thing which can be called either a proper or reasonable request. Now I have already brought to the attention and notice of the House the reasons why the Government from time to time for over hundred years pressed forward that a scheme for placing the Irrigation Law on a sound basis was necessary. The two despatches of the Government of India make it clear as to what is at the bottom. This is practically the only Province in India where there is no Irrigation Law. You have got the Burma Act, the United Provinces Act, the Bengal Act, the Punjab Act and the Bombay Act. This is the only

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Province that has not got an Irrigation Law. We cannot blame the Government of India if they say that without codification of the rules we cannot sanction large sums because there may be chances of embarrassing litigation.

“Now, then, I have placed before the House a list of various projects which have been delayed or held up owing to the non-passage of the Irrigation Law. It is not only a complaint of the Government. In certain tracts the want of water is felt so much that the inhabitants of the locality concerned come forward and say to the Government, ‘We are willing to pay a higher water-rate than the normal and prevailing rate. Will you construct such and such irrigation project, so that you might bring relief and succour to this particular locality?’ Our answer has been ‘We cannot.’ Because it has been ruled by our legal advisers that such engagements bind only the immediate contracting parties and do not in legal language ‘run with the land.’ The result has been that where the inhabitants have been solicitous of progress of irrigation, we cannot make such agreements possible according to law. Such things are codified in this project of law. Mr. President, Members of this House will see the list of projects worked out on a productive basis which had to be held in abeyance on account of water-rates agreed to being higher than current ones. There are 30,000 acres which could have been cultivated but for want of water in the Ganjām district. In Kurnool there are 46,000 acres and so on and so on, until you come to a total of nearly two hundred thousand acres or one-fifth million of acres of land which cannot be cultivated and which cannot be brought within the range of water which is the prime necessity in the absence of Irrigation Law. It has been pointed out to me by my hon. Colleague on the right that in the Ganjām district alone there are 31,200 acres which cannot be brought under irrigation on account of the absence of such law. Moreover, I have pointed out in the list that there are larger irrigation projects which cannot be worked out without Irrigation Law. If the Metur project is carried out, 280,000 acres could be irrigated in the Tanjore district. Seven hundred and thirty-five thousand acres of first crop and 160,000 acres of second crop could be had in Kistna and Guntūr districts. The Tungabhadra project involves thirteen crores and it will bring about a million acres of wet crop. Is it therefore not a matter of prime and urgent importance that we should set our House in order to begin betimes and see that what has not been possible till now is made possible and see that this country realizes its great destiny as an agriculturist country? No one is more anxious to have industrial progress than myself. But let us conceive it as dependent upon the agricultural prosperity. The rest will come of its own accord. Shall we contemplate with equanimity the possible delay of a year more? Because so far as the present state of things are concerned, shall we not hope that we can go up to the Government of India before this Budget and ask them for funds for some of our bigger projects? We know Madras is the Cinderella of the provinces. The other provinces are nearer the throne of grace. Bombay and Calcutta can always get money and Madras cannot. Our voice is impotent. Other provinces are able to get more than ourselves. If we allow this Budget year also to pass before we approach the Government of India, then probably at the end of the year there may not be enough money for us and for another year we will have to wait. In any way, it may be said that the Bill may not be passed into law before the Budget year. At least we can tell all concerned that this House is committed to an Irrigation Law, and that it is perfectly prepared

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and ready to put on the statute some law for regulating the mutual rights of the zamindar and the tenant and the ryot on the one hand and the Government on the other.

"Now there is another class of criticism which I must refer to in passing. It is a criticism made by a very influential landholder of the southern districts for whom I have much respect. He begins his criticism with the observation that the Bill is a socialistic legislation. He says that the jurisdiction of the courts has been taken away in important questions. All that I can say is, if I am blamed as a socialist on the one side and a partisan of the aristocrats on the other, I do not know what I am. I am an advocate of the rights of each person being preserved intact and the interference of the Government coming in where it is necessary and not otherwise, that is, where it is not absolutely necessary. As for the jurisdiction of the courts, I may say this. In clause 90 of the Bill we have made a general provision that, save as excepted in certain specific sections, the jurisdiction of courts is not taken away. Supposing the Members of this House and the Select Committee come to the deliberate conclusion that in some of the seven or eight matters which are indicated and to which I have referred the jurisdiction of the court is to be restored, by all means do so. You will not have any insuperable objection from a lawyer of 20 years' standing regarding jurisdiction of courts. His objection may be that where courts cannot adequately function, then alone should it be necessary to see that a rough and ready method should be arrived at. If it is strongly felt that the courts' jurisdiction should be restored or preserved, by all means do so. No one is committed to a policy of ousting the jurisdiction of courts. It must also be noticed that in clause 101 of this Bill there is a power reserved for the purpose of making rules on most of the matters on which the jurisdiction of the courts is taken away. For instance, take the very question of taxation. Let us turn to clause 101. What do we find? We find that 101 (f) says 'declaring the rates of water-cess leviable under this Act.' That is a matter which is subject to rules. Those rules have to be placed under sub-clause (3) of clause 101 before the Legislative Council for a period of not less than two months while the Council is in session. Therefore you will find that on many of the matters on which, for instance, the rights of the courts that function on these matters have been taken away those things have been embodied in rules which will be placed on the table of the House. The object of the framers has been to preserve the jurisdiction of the court in as many instances as possible, and, where there is no jurisdiction given to the courts, rules should be framed, which rules will be subject to the scrutiny of this House. Therefore there are two tribunals, the courts on the one hand and the House on the other. If it is thought that the courts will be more convenient method of fighting out these matters than the operation of these rules, by all means have them; they are matters which are not fundamental and are not of the very essence.

"Now let me run very briefly and very fast through some of the changes that have been suggested. They have all been summarized in the Statement of Objects and Reasons. In clause 6 an attempt has been made to exclude natural resources wholly situated in an estate. In the clause dealing with appropriation we have sought to embody the exact language of the Urlam decision. In clauses 12 to 15 we have sought to institute a record of rights wherever it was necessary. In clauses 16 and 17 we have provided

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for individual notices. Certain criticisms have proceeded on the footing that the Government were mainly or essentially or largely actuated by a desire to tax and that forthwith we shall perhaps under section 42 localise and commute into acreage and tax the zamindars to the extent to which their territories do not come within the purview of the operation of the rule. It was not the intention of the Government to make this primarily a taxation measure. It was the intention of the Government to make this a taxation enactment to this extent and no more. You cannot build large irrigation projects and you cannot bring into existence large schemes without borrowed capital and you must pay interest on borrowed capital. You must somehow provide for all these things and provide also for a comprehensive irrigation scheme for the whole Presidency. How are you going to do it?

2-45 p.m. “It is for this House and the Select Committee to consider what are the safeguards subject to which taxation may be levied and what ought to be done by way of furtherance of the object which animates the hon. Members of this House.”

The RAJA OF RAMNAD :—“In that case why should the existing works be brought in?”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“They cannot but be brought in for this reason. Suppose we take a large scheme on hand, say, the Kistna or the Tungabhadra scheme. There are certain works which are in existence in various zamindaris. Suppose they are to be brought into the large scheme. How else can we do it except by including the existing irrigation sources? Suppose you want to have a great dam. In a country like this we cannot have large schemes without going into the smaller entities or units and bringing them into line with the larger schemes. How else did our ancient kings construct their great schemes? If they could not enter into the territories or domains of zamindars for the purpose of constructing these works, how did they link districts to districts and bring about these great schemes? It is only that which is sought to be done here and nothing more.”

The RAJA OF RAMNAD :—“If the hon. Member is going to bring in the existing works, how is he going to get over the judicial decisions and the recognized rights of persons?”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“The answer to that is very simple. Apart from what may be called engineering or scientific equations, we do not propose to do anything else. That is, suppose you are entitled to certain things by judicial decision or by sannads, get them; and if I may again refer my hon. Friend, the Raja of Ramnad, to clause 64 he will see what the policy of the Act is. Compensation in such cases is to be provided in terms of water as far as possible. Where we cannot give the compensation in terms of water, where it is not practicable to do so, then we give compensation in money. The scheme of the Bill, therefore, is that we respect the existing rights and if existing rights have to be encroached upon for the sake of a larger scheme, we compensate. We do not take away a single item of right. Compensation in terms of water is the primary method and if we cannot compensate in water then we compensate in money. That is the object of clause 64 of the Bill.

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"Now it may be conceded that there is a great necessity for this Bill. Nobody wants to take State control unless it is absolutely necessary. But surely in a country of this kind it must be conceded that there is a great necessity for a certain amount of State control; because of the need for large storages of water and the avoidance of the great wastage that is taking place. For instance, the other day I was in Pondicherry negotiating with the French Government with regard to the Cauvery. We found that on pooling our reserves together we could save considerable amount of water and that we have been allowing the water run into waste because of small differences between us. It was my privilege to reduce some of the possibilities of friction and we came to a kind of effective arrangement. Each one of us realized that for want of harmony between the subordinate officials of this Government and the French Government a large amount of water was flowing to waste. It is because of these circumstances that in this country it is the primary responsibility of the Government as is also the duty of the people to see that water is not wasted into the sea but is utilized for the greatest good of the greatest number. The practice generally in other provinces has been summarised by the late Sir K. Srinivasa Ayyangar. The enquiries of a special officer for this purpose showed that whereas year after year other provinces are advancing and inaugurating great schemes, we, on account of circumstances financial or otherwise, have not been able to do anything. I confidently hope and trust that that reproach will not be levelled against us any longer.

"Now there is another set of criticisms to this Bill, and that is with regard to the compulsory labour clause. It is assumed that I have somehow made it obligatory upon one to do a certain work which has not been obligatory before under the Act of 1858. But I took away the distinction between the labouring and other classes, because it seemed to me, if I may say so, that that is the most wholesome provision of this Bill. That invidious distinction between the labouring and other classes for the purpose of kudimaramath and other works is now sought to be taken away. But if hon. Members want to go back to the language of the Act of 1858 and have the labouring classes, by all means let them do so. But I assure hon. Members of this House that no startling change has been attempted between the last Bill of 1858 and this present Bill. We have merely sought to codify the existing law with one exception.

"Then there was criticism with regard to percolation and so on. It is impossible for me, on account of the convention of absolute confidential character that exists with regard to the communications between this Government and the Government of India, to deal at length on this matter. But I can say there are many points on which we do not see exactly eye to eye with the Government of India. If on certain points this House expresses itself unequivocally, we will consider them carefully and we will press on behalf of the Council to the Government of India to see that certain features in regard to which this Government itself is rather doubtful are eliminated or included as the case may be.

"I do not propose at this stage to traverse through the various sections of the Bill; nor would hon. Members thank me if I were to do so. But I would say this; that in the main four root ideas have been at the bottom of this Bill. We have sought in the first place to consult every

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interest concerned in agricultural operations. In the second place, we have realized that compensation in water should be given where possible. Thirdly, we have sought in all cases where the jurisdiction of the courts is practicable, to bring them in. We have sought moreover to follow the decision of courts as far as they can be followed and we have not sought to take away any rights. If it is proved that the intention or the result of the Bill is to confiscate any vested interests, then all that I can say is that the Government do not propose to confiscate any existing rights and will see that the rights are preserved to this extent, namely, that where those rights conflict with the rights of the State which has to control and regulate distribution of water for the greatest good of the greatest number, then the private rights may have to be compensated for but they will not be confiscated. I am perfectly willing to take hon. Members through the various clauses of the Bill but I do not propose to do so now except in a very cursory fashion.

“Turning to clause 7, the objection that has been raised is to existing irrigation and drainage. That has been put forward in that memorial to which I have alluded and that objection has again been put forward by the Raja of Ramnad. Then under section 11 the objection has been raised that we have not made any provision for riparian rights. There has been a comprehensive criticism that various sections have taken away the jurisdiction of courts. As to all these matters, I would only say that I am recommending this Bill as a sketch. Let us all work at it so as to make of it a useful resultant. I am not wedded to one form or another or to one particular solution of the difficulty or another. Let us take it as a beginning and make of it a finished product and let us see that the reproach that has been levelled against us is removed.”

The hon. the RAJA OF KOLLENGODE:—“I beg to second the motion.”

Rao Bahadur C. V. S. NARASIMHA RAJU:—“Mr. President, Sir, I propose under Standing Order 34 that the consideration of this Bill be postponed till the first sitting in March.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“My difficulty is that we may meet about the 4th March for financial consideration and practically the whole of the month we will be engaged with it. With the leave of my hon. Friend and with the leave of the President, may I say this: It is not my intention to hurry this matter. I realize the complexity of the interests involved. I realize the interdependence of the many interests in this matter and I do not propose to hurry the matter in the Select Committee. I will give an undertaking, if my hon. Friend wants it, that the first meeting of the Select Committee will not be held until the end of March and meanwhile I will have the Bill translated into Tamil, Telugu, Malayalam, Oriya, Tulu and all other vernaculars. I will give a further undertaking that I will allow counsel to appear on behalf of every interest.”

Rao Bahadur C. V. S. NARASIMHA RAJU:—“Mr. President, what the hon. the Law Member says is that we all want an Irrigation Bill. If he wants to commit this House that we are all seriously in favour of an Irrigation Bill, the best method for him to do is to table a Resolution and make us unanimously accept it, that we want a Bill of that nature. But my difficulty now is that in various quarters it is felt that this Bill which is now put forward in this House has not been sufficiently before the public.

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Sir, we the representatives here are expected to focus or reflect public opinion on a matter like this.

“It is a measure proposed to deal with vested interests. It is a measure that deals with taxation to a very great extent. An assurance has been given by the hon. the Law Member that he does not want in any way to affect the vested rights. It is also said that this measure shall not be treated as a taxation measure, and that there is no idea of raising additional fines than what is to be raised under the Irrigation Cess Act. These are the two assurances which he has given and I am glad that he has given them. But he has himself furnished sufficient grounds to this House why the further consideration of this Bill should be adjourned. It is stated that *Swarajya* said on the first day after it saw this Bill, that the hon. Member in charge had shaped the Bill in such a way as to placate the opinion of the Zamindars. It is said that one important critic of this House called the measure a socialistic measure. It is possible for every one who has given a first reading to this Bill to frame such contradictory views. An eminent lawyer of Madras with whom I held a conversation told me that after a ten hours' reading given by him to this Bill—he said that 50 per cent of his cases were on irrigation matters—it was very difficult for him to understand its provisions. I think it is admitted that this Bill has not appeared in the vernaculars of the province. It deals with 80 per cent of the population and they have got the right to express their views on it. I think that in an important matter like this, it would be better for the Government to receive the views of the people. That is why I have brought forward this motion that the consideration of this measure be postponed till the 1st day in March. I do not think the hon. the Law Member can say that this is obstructive tactics. My only plea is that the Bill has not been before the public for a sufficiently long time to focus their opinion on the merits of the Bill.

“It has been said that the first Bill which was introduced in this Council and which was rejected by it was before the public for nearly twelve months. When the first Bill was rejected by this House, the public knew that it was not acceptable to this House. For one like myself who himself has laboured in Committees, all that I can say is that the Bill has been presented with a new cult. Whether this new cult is to be accepted by the public as well as the House remains to be seen. I can submit one fact and that is that the way in which this Bill is now submitted is quite different from the way in which the previous Bill was submitted. The main principles in the previous Bill are also embodied here and they shall not be interfered with. The hon. the Law Member said that he wants an Irrigation law giving control to the Government over certain waters as in the terms of the Government of India Resolution, but all that is not to be found in the Bill. That is the only assurance given by him and we want to go into the merits of the Bill.

“The next point at issue is whether the main principles of the Bill as they are found in the Bill are to be controverted in the Council or whether they have to go to the Select Committee. I do not think there is any provision in the Standing Orders to allow the main principles of the Bill being controverted in the Select Committee. Sir, it has been said that the ryots' criticism is not before the Government or that it has been presented to the Government in the Committee stage. An eminent ex-member of this

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interest concerned in agricultural operations. In the second place, we have realized that compensation in water should be given where possible. Thirdly, we have sought in all cases where the jurisdiction of the courts is practicable, to bring them in. We have sought moreover to follow the decision of courts as far as they can be followed and we have not sought to take away any rights. If it is proved that the intention or the result of the Bill is to confiscate any vested interests, then all that I can say is that the Government do not propose to confiscate any existing rights and will see that the rights are preserved to this extent, namely, that where those rights conflict with the rights of the State which has to control and regulate distribution of water for the greatest good of the greatest number, then the private rights may have to be compensated for but they will not be confiscated. I am perfectly willing to take hon. Members through the various clauses of the Bill but I do not propose to do so now except in a very cursory fashion.

"Turning to clause 7, the objection that has been raised is to existing irrigation and drainage. That has been put forward in that memorial to which I have alluded and that objection has again been put forward by the Raja of Ramnad. Then under section 11 the objection has been raised that we have not made any provision for riparian rights. There has been a comprehensive criticism that various sections have taken away the jurisdiction of courts. As to all these matters, I would only say that I am recommending this Bill as a sketch. Let us all work at it so as to make of it a useful resultant. I am not wedded to one form or another or to one particular solution of the difficulty or another. Let us take it as a beginning and make of it a finished product and let us see that the reproach that has been levelled against us is removed."

The hon. the RAJA OF KOLLENGODE:—"I beg to second the motion."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, Sir, I propose under Standing Order 34 that the consideration of this Bill be postponed till the first sitting in March."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"My difficulty is that we may meet about the 4th March for financial consideration and practically the whole of the month we will be engaged with it. With the leave of my hon. Friend and with the leave of the President, may I say this: It is not my intention to hurry this matter. I realize the complexity of the interests involved. I realize the interdependence of the many interests in this matter and I do not propose to hurry the matter in the Select Committee. I will give an undertaking, if my hon. Friend wants it, that the first meeting of the Select Committee will not be held until the end of March and meanwhile I will have the Bill translated into Tamil, Telugu, Malayalam, Oriya, Tulu and all other vernaculars. I will give a further undertaking that I will allow counsel to appear on behalf of every interest."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, what the hon. the Law Member says is that we all want an Irrigation Bill. If he wants to commit this House that we are all seriously in favour of an Irrigation Bill, the best method for him to do is to table a Resolution and make us unanimously accept it, that we want a Bill of that nature. But my difficulty now is that in various quarters it is felt that this Bill which is now put forward in this House has not been sufficiently before the public.

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Mr. C. V. VENKATARAMANA AYYANGAR:—"I have great pleasure in seconding this motion. I am one of those who think that the Bill should be introduced very soon and I am one of those who would prefer any Bill to no Bill. We have to take into consideration some points which the hon. the Law Member referred to yesterday when he was making some references to nominated Members. I appeal to every one not to ignore the non-English-knowing Members. There is a large number of Members who do not know English" (laughter).

3.15 p.m.

Rao Sahib P. V. GOPALAN:—"Sir, among the nominated Members there is only one who does not know English."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am referring to hon. Members as a whole. I did not want to make a distinction between elected Members and the nominated Members. I refer to all the Members elected as well as nominated, official as well as non-official" (laughter).

Mr. M. RATNASWAMI:—"On a point of order, Sir, may I know whether there are any official Members who do not know English?" (laughter).

Mr. C. V. VENKATARAMANA AYYANGAR:—"This is not a point of order, Sir. When I said 'official Members' I wanted to take hon. Members as a whole without excluding anybody. I said elected or nominated, official or non-official or ex officio, etc., etc., Members of this Council. And I do so now, Sir. There is a large number of Members who cannot be expected to know English so well as to be able to go through the volume of literature that is being placed in our hands during the last two or three days. I do not see there is any disparagement in not knowing English, as some people seem to think. It is not an insult if you are told that you do not know English. I wish I did not know English (laughter). Anyhow we represent here the masses who do not know English and we have to go and appeal to them. Well, Sir, I do not know whether the Bill has been published in any vernacular. If not, how do you expect those Members who do not know sufficient English to understand the provisions of the Bill, and help us to come to some conclusion on it. Are we going to ignore those Members? There are a fairly large number of them as I have already told you.

"I am one of those who sincerely desire that this Bill should be introduced as early as possible, and not merely introduced but passed. Therefore I want to disarm opposition as much as possible. There is already a good deal of opposition and why should we unnecessarily increase it?

"The hon. the Law Member said that the Select Committee would not sit before April. With the passing of the present amendment the Committee may sit in March. The hon. the Law Member made a speech even before the proposition was properly proposed. He suggested that the whole of March would be occupied with the Budget. We have got the programme before us which you have been very kind to send us. We see from that that between the 8th and the 17th of March there is absolutely no Budget discussion. And therefore can you not go on with the Bill during that time? Where is the harm?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, what about the Budget Resolutions? What about the preparations to meet them? Are the hon. Members going to forego the right of moving Budget Resolutions?"

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Mr C. V. VENKATARAMANA AYYANGAR :—" Sir, I still do not understand his argument. Between the 8th and the 17th of March there are, to be very correct, eight days. . . ."

The hon. the PRESIDENT :—" I think I may come to the rescue of the hon. the Law Member. It is a fact that there are eight days, but they are days on which everybody will be busy. Everybody will be immersed in the business of Budget motions, either preparing them or else planning to resist them. It is not a time available for business of the kind before us."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, so far as I am concerned, I will point out that we have the 30th and the 31st when there will be no Budget fear, and the Budget ghost would have disappeared from the Council Chamber. There is absolutely no reason however why we should not have the 1st and 2nd of April. All that we are concerned is that we want time so that this Bill may be published in the vernaculars, and that all of us might go through all its provisions. Otherwise we would be giving a weapon to the enemies of the Bill who would say that the Bill was rushed through the House in a hurry.

" Again, it is not known exactly what recommendations of the non-official Committee were accepted by Government and what not. It was expected that the Government would issue a communiqué. It will be more useful if such a statement is prepared."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I have placed the proceedings on the table of the House, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR :—" That contains the proceedings of the meetings; the number of days we met, the number of recommendations made, etc. But I want to know matters of this kind: it was once suggested that if any natural tank was in a zamindari estate it would not be taken possession of by Government, but if it was in a ryotwari estate it might be taken possession of. It would be well if the various recommendations of the Committee are published with a note as to which have been and which have not been accepted by the hon. the Law Member or by the higher authority, the Government of India. There is absolutely nothing lost in giving some time.

" I understand that some Members are determined to oppose the Bill if the adjournment is not given. There will also be a number of people who will think that the Government have some ulterior object in rushing this Bill through. The correct course will be to publish the Bill in the vernaculars for the sake of the public at large, give them time to raise their objections and make their representations, and thus disarm opposition. Otherwise it would be jeopardising the whole Bill. I beg the hon. the Law Member to consider whether in spite of his determination it is not desirable to give some time and adjourn the consideration of the Bill. He will also have the satisfaction of introducing it before the end of March so that he might arrange for some loans from the Government of India. I appeal to the hon. the Law Member and other Members to vote for the adjournment so that we might have some day in March which is convenient to the Members of the Council.

" Again, there is no use of saying that representations can be made before the Select Committee. The members of the Select Committee are expected

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to be guided by the discussions in this House at the time of the introduction of the Bill. All useful and legitimate arguments from English-knowing and non-English-knowing Members must be available to the Select Committee. While I am one of those who are anxious that some Bill in preference to no Bill should be introduced, I want to disarm opposition as much as possible both inside and outside this House. With these words I beg to second the motion."

(The hon. the President then read the amendment.)

Mr. C. V. S. NARASIMHA RAJU :—" It is to be taken in the first meeting in March, Sir."

The hon. the PRESIDENT :—" That is, the hon. Member intends that it should be taken up on some day in March, other than the days appointed for the discussion of the Budget. Discussion will now proceed on this motion."

Rao Sahib K. V. RAMACHARI :—" Mr. President, Sir, I beg to move that if any adjournment is given, it must be for at least six months. The provisions of the Bill were known only very recently. It would take some time to translate the Bill and publish it in the papers. March is very near to us; there are only about 25 days before us. It will take a longer time to make the provisions of the Bill well known to the people, in whose interests it is said to be brought into the Council. The subject has been under discussion for the past so many years, and nothing will be lost by giving six months' time."

Mr. M. RATNASWAMI :—" On a point of order, Sir. Does not a motion for the postponement of a Bill for six months amount to a rejection of the Bill? It is hardly an amendment."

The hon. the PRESIDENT :—" This is simply a motion under Standing Order No. 34. It is just like Mr. C. V. S. Narasimha Raju's motion."

Mr. M. RATNASWAMI :—" Adjournment for six months, Sir? "

The hon. the PRESIDENT :—" Yes, it is a motion to the effect that the business be adjourned or postponed."

Rao Sahib K. V. RAMACHARI :—" The Government have been considering this subject for many years and they are not going to lose anything by granting six months more. It is also said that the Bill is intended for the people.

" We, the representatives of the people, come forward and say that we want an adjournment for six months so that we can go through the provisions of the Bill carefully and suggest suitable amendments.

3-30 p.m.

" I will now make certain observations with regard to certain provisions of the Bill. The Bill provides for the control of important irrigation works. It perpetuates the system of taxation by Government without an effective control by the representatives of the people. It gives very extraordinary powers to the subordinate officers of Government. Besides, there are other provisions which are highly injurious to the interests of the people. There is also clause 6 which contains every insidious provision."

Sriman SASIBHUSHANA RATH Mahasayo :—" Are these observations about the contents of the Bill relevant to the motion for adjournment, Sir? "

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The hon. the PRESIDENT :—“ I am sure the hon. Member will bear that in mind.”

Rao Sahib K. V. RAMACHARI :—“ Even a slight alteration in the course of a water work will enable the officials to increase the water-rate and it cannot be set right by safeguards. For these reasons I request the hon. the Law Member to postpone the First Reading of this Bill for six months.”

Mr. M. GANGARAZU :—“ I second the motion, Sir.”

The hon. the PRESIDENT :—“ The motion made by the hon. Member Mr. Ramachari is that the consideration of this Bill be postponed for six months. The House will probably agree with me that the discussion had better proceed on these alternative motions for postponement. At the end of the discussion each motion will be voted upon separately, first, the one for postponement for six months and then the motion for adjournment to the beginning of March.”

Mr. J. A. SALDANHA :—“ Mr. President, evidently this Bill does not appear to be a party measure. For, I find that there is difference of opinion among the Ministerialists as also among the Opposition. Having regard to this, I am sorry that I shall differ from the leader of my own party and from the Secretary or the Whip of my party. (Mr. Kesava Pillai: Hear, hear.) I must give expression to my independent opinion on this Bill. I for one accept the principles of the Bill as a whole. I have carefully read the whole of the Bill and also the various Acts which are in force in the other provinces in the matter of irrigation projects, etc. Practically every province in India has got its Irrigation Act. There is firstly, Mr. President, the Bengal Act of 1871, then the Northern India Canal and Irrigation Act of 1873 which is the oldest of our Acts on the Indian Statute Book, and then there is the Bombay Irrigation Act. There is also the Burma Act, and, further, there is the Act of 1920 on Minor Irrigation Works which was passed in the United Provinces. So we have got five different Acts in India dealing with the subject. Reading through the provisions of this Act carefully I find that they are not more drastic than the Acts of other provinces. I find that the Madras Act is not only much more comprehensive and animated by greater consideration for the rights of the people than all the other Acts, but it safeguards the interests of the higher landholders, the zamindars. I find that in the different Acts which are in force in the other provinces, there is absolutely no distinction made between the waters that are and that are not wholly situated within an estate. In fact, all the waters in the other provinces, whether they are situated in a zamindari estate or not, are brought under the control of the Government and are subject to certain drastic provisions which make it highly detrimental to their rights. So, taking our Bill as a whole, I find it in principle quite acceptable. Suppose there are a number of provisions in the Bill open to criticism, the best course I will adopt will be to bring in a number of amendments to those provisions. That should not be done at this stage. The objectionable provisions can be considered at the Committee stage and suitable amendments brought forward. Even if hon. Members have not been able to study the Bill very carefully and note all the provisions that are open to criticism, they have ample time to do so after it is introduced.

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This Bill will then be translated and there will be ample time for all classes of the people in the province to go through the Bill carefully and put forth their objections before the Select Committee. I am sure, Mr. President, the Select Committee will be a large one representing all classes of interests and all the districts. I hope South Kanara and Malabar will not be neglected as is usually done. Having regard to the assurance given by the hon. the Law Member that representatives of all interests will be included in the Select Committee and that the Bill will be translated into all the vernaculars of the province to be considered and digested by all classes, I feel that this motion for postponement is an ill-considered one and should not be supported.

“Further, I wonder how, by the 4th March, this Bill can be translated, printed and published in the *Gazette*. If there are Members in this Council who cannot read all the literature on the subject, the question is whether Government are in a position to translate all the literature before them. All that could be done is, I believe, to translate the Bill with the Statement of Objects and Reasons. I am sure except one or two hon. Members in this Council, the hon. Members are able to study and understand the Bill. At the present stage, if one or two are not able to fully understand the provisions of the Bill, perhaps the hon. Members will find it convenient to get them translated and placed before them at an early date. But I doubt very much whether such translations could be had before the 4th March. There would have been some sense in adjourning the consideration of the Bill till after the mid-summer holidays, because by that time it could be translated. But to put off the Bill for six months would be simple waste of time and money. We have come all the way to Madras for the consideration of this Bill, upsetting our programmes and calculations. Much time has been wasted already by the postponement of the earlier meeting. For these reasons I would urge upon the hon. Members to let this Bill pass the First Reading and be referred to a Select Committee.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“Mr. President, Sir, I am indebted to the hon. Member who spoke last for certain remarks of his which have cleared the atmosphere. My hon. Friend, the Member from Madura, has asked for an adjournment for six months. I understand that he would take me for a poor advocate of my case if I did not convince the hon. Members of this House that I am a keen debater. I must say that unless we make a move on, we cannot approach the Government of India before this Budget Session without this Irrigation law which is on the anvil. If I have not convinced hon. Members of this House about the urgency for a measure of this kind, then indeed I have failed in my advocacy. I would simply say this: that an adjournment for six months would, in my view—and, let me not be taken to be unmerciful or too cynical or pessimistic—be tantamount to a rejection of the Bill.

“Let me, on the other hand, turn to what is *prima facie* a much more moderate and reasonable proposal of my hon. Friend, Mr. Narasimharaju—indeed most of his proposals are generally reasonable—(Mr. C. V. Venkataramana Ayyangar: Hear, hear), (Laughter)—that there should be an adjournment only up to 1st of March. Let us for a moment analyse why that proposal for adjournment is made. The adjournment is asked for in order that the public may familiarize themselves with the Bill and the

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literature that has clustered round it. One of my valued Friends, the hon. Member from Coimbatore, spoke feelingly of those Members of the House who had not the advantage of an acquaintance with English. If they have not got an acquaintance with English, how are they going to take part in the debate and master the literature connected with the Bill? How is it to be translated between now and the first of March and made available for them? (Hear, hear.)

"Well, Sir, I hear an interruption 'hear, hear'. That interruption means either that the adjournment up to the 1st of March is of no avail or it may mean that an adjournment for six months or a year, as is indicated in the present motion, is desirable. ('Hear, hear', probably from Mr. Satyamurti.) I expected nothing else from my hon. Friend who intimately and perpetually allies himself with such Members of the House as would give him the advantage of that alliance. To see that the Government does not pass this measure is his programme. And if it suits his programme to see that this Bill should be adjourned for 20 years because it would take 20 years for all the 47 millions of people to be acquainted with the purpose or the objects of this Bill . . ."

Mr. S. SATYAMURTI :—"Sir, I must not be supposed to suggest anything so absurd."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, let me resume what I was saying. But if I have offended the hon. Member for the University, let me apologise to him, and it is my duty to do so (Hear, hear). In regard to the motion, let me say this. My object is to show that this adjournment up to the 1st of March will not be very useful if the adjournment is asked for the purpose of familiarizing the people or the public of this Presidency with the literature that has gathered round this measure. The effect of the adjournment really is that, excepting for the purpose of enlightening certain persons who are not acquainted with the English language in this House and their getting to know all the provisions of this Bill, it would not serve any useful purpose. I say also that I am not committed to aught save that paramount principle which I have pleaded for. If that principle is conceded, I am prepared to have every other matter subjected to scrutiny in the Select Committee. I say so as a Member of the Government, and precedents are not uncommon where even matters of principle which are contested are opened for discussion in the Select Committee. I hope that will satisfy the requirements, and an adjournment of that character would not really serve any purpose from that point of view, while the earlier motion also would not serve the purpose—the one purpose which animates the Mover and, I am sure, all of us."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, it seems to me that no useful purpose will be served by the adjournment motion that is now before the House either for a month or for six months. If the Bill is allowed to go forward now and is sent to the Select Committee, the chances are that the Select Committee will not be able to submit its report to the Council before the commencement of the next Session, that is, somewhere I take it in the beginning of August, or it may be even in September. In any case, we shall have some six months from now before the time when the report of the Select Committee will come up before this Council for consideration. The Select Committee certainly has the power of examining witnesses and calling any person or persons whom it wants to examine and taking

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into consideration all points of view that may be placed before it by any person or persons whatsoever. I am sure that during the six months the Select Committee will be able to do its work completely and to the satisfaction of all persons interested in this Bill. The very arguments that have been advanced by some of my hon. Friends who are moving for adjournment, furnish ground for the conclusion that there is no need for the adjournment. In giving reasons for the adjournment, my hon. Friends were referring in detail to several clauses in the Bill. That itself shows that, so far as those clauses are concerned, they have studied the Bill very carefully. That, I thought, is an argument rather against the adjournment than for the adjournment. Then, again, drafts of Irrigation Bills in one form or other have been before the public for the last 18 years. The first Bill, I believe, was published in the year 1905, the next one was published in 1909 and there have been other Bills since then. No doubt, there have been differences between some of these Bills and the present Bill, but many provisions of all these Bills are the same, and if after 18 years the people of this Presidency have not been able to acquaint themselves with the main provisions of this draft Bill, I doubt whether an adjournment for 24 days or even for six months will enable them to study the provisions further. I perfectly agree with my hon. Friend, Mr. Venkataramana Ayyangar, in thinking that it is very essential that the Bill should be placed as an Act on the Statute Book as soon as possible. The result of our postponing this Bill will be that we shall not be able to place any law on irrigation on the Statute Book before, say, somewhere in 1925: it will not be possible for this Council to pass such an important measure as this even before the end of 1925. And, as I already submitted, if it is postponed only for a period of 24 days, practically no useful purpose will be served.

“Then again, there is this consideration which has already been referred to by the hon. the Law Member that many irrigation projects have been held up either for want of funds or for want of a law on the subject. I myself remember that when in 1905 in the Legislative Council, as it then existed, I moved for the construction of certain irrigation works in the district of Malabar, the reply that was given on behalf of the Government by Mr. Bradley, who I believe was then the Chief Secretary, was that there was no law enabling the Government to construct dams across the rivers and that the Government had no funds. The sooner the possibility of such arguments is got rid of, the better for the country. I spoke now only with reference to the district of Malabar, but what I said applies generally to the whole Presidency. Having regard to all these considerations, it seems to me that the sooner we take up this Bill for consideration, the better it will be for all concerned. The matter has been pending for a very long time—it seems to me for an unconscionably long time—for about twenty years. Let us not postpone this matter any further. For these reasons, I am for the immediate consideration of this Bill.”

Mr. R. VEERIAN :—“Sir, I am not at all in favour of the adjournment of this Bill. I have several sound and solid reasons why its introduction should not be postponed, and I am going to state them. Delay, I consider, is a dangerous thing, and we should take up the present opportunity given to us. If a student wants to pass his B.A. examination, he sits in his room, reads day and night, even after going to the doctor and taking medicines, crams the whole portion and passes his examination. So also, if a person has so much

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interest in the Bill, he ought to have gone through the Bill. And, Sir, if there are some who are not English-knowing gentlemen, they can approach the English-knowing gentlemen and with their help find out what the provisions of the Bill are and in that way they ought to have understood them. Now, as regards the time wanted, I doubt very much whether, even if we give two months or four months or two years, any good result will be produced. I am sure, Sir, that this is only a poor man's Bill. We want to see whether this Bill would do good to a great number of people. That is the test. Whatever motion may be brought forward here, there is a certain party which says, 'This is not right; that is not right; this is incorrect and that is also incorrect'. But I want to know from them, Sir, what is correct after all (laughter and cheers). But my worthy and hon. Friend, Mr. Venkataramana Ayyangar, said that there were many non-English-knowing gentlemen who would want to know the provisions of the Bill. But, Sir, to attain Swaraj several mass meetings are held for the benefit of persons who know only a vernacular, but I have heard the leaders at such meetings speaking only in English, and there they quietly pass resolutions to the effect that they want immediate Swaraj and that it should be given them at once. I want to know whether the whole audience present there understand the whole thing. Certainly not. If ignorance of English does not matter there, I do not see why it should matter here. For these reasons I oppose this motion."

Sriman BISWANATH DAS Mahasaya :—"Mr. President, Sir, I entirely agree with my hon. Friend from Vizagapatam to this extent. I was a Member of this hon. House in the last Council and when the Irrigation Bill was then introduced, it was generally spoken of by the Opposition as the poor man's Bill. We very much regret and deplore that that Irrigation Bill was thrown out by a very overwhelming majority of the House on grounds known to themselves. I see before me my hon. Friend, Mr. Muniswami Nayudu, and before whose advocacy of the rights of the zamindari tenants I bow down; he took that opportunity to plead that the Bill did not go far enough and we were opposing it on that score. I am sure that the present Bill itself is not perfect. No human measure is perfect, and the Bill is after all a human measure. The hon. the Law Member has done all he could to give an assurance to the House that he is prepared and willing to accept any reasonable amendment and that he is willing to give any reasonable time for the consideration of the Bill by the Select Committee. It may be that he is anxious to push through the Bill in the Select Committee soon, but the Select Committee may take its own time. It may take two, three, or even five months if necessary to ascertain the opinion of the people in the country. It is only a few days back that my hon. Friend from Kistna, Mr. Peddiraju, said that at an informal meeting of the ryots on the subject of irrigation several representations were made by the tenants. It is said that an assistant engineer got up and said, 'Look here, gentlemen, wait for the Irrigation Bill, and you will have all that you want'."

Mr. P. PEDDIRAJU :—"The said engineer stated that it was Mr. C. P. Ramaswami Ayyar's Bill."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I may at once say, Sir, that he was not authorized to say so."

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Sriman BISWANATH DAS Mahasayo (*cont.*) :—“ I stand corrected, Sir. It will not, therefore, be reasonable, or look well, if we at this stage
 4 p.m. say that we want more time. Time we have had, probably amply. We have had 12 months before us to go through the provisions of the Bill. Then I find, Sir, that this Bill is quite different from the one that was introduced by the late lamented Sir K. Srinivasa Ayyangar. That Bill was rejected and the interest of the zamindari tenants was sacrificed, and mercilessly sacrificed, by a House which now claim that they represent the people. I am very sorry, Sir, and I am in fact weeping within me when I see that the Bill does not give all the protection needed to the zamindari tenants. To that extent I am very sorry to find that the interest of one-fifth of the population of this Presidency is sacrificed. There may be some reason in saying that you want an adjournment of the Bill for one month. But if you say that you want to have it adjourned for six months, then some other hon. Member will come forward and say that he wants an adjournment for ten months. There will be no end to such proposals for adjournment. I would appeal to the hon. Members to consider whether or not we should give our assent to this poor man's Bill being referred to the Select Committee. About details we might differ, but if we agree to consider the Bill now, we shall try our best to remedy the defects in the Select Committee. In the words of the hon. Member for Vizagapatam, I would appeal to this House to bear in mind that no law could be enacted unless we put our seal of approval upon it, and we cannot be expected to give our assent to it unless we approve of it. I would appeal to all the Members to consider well this question before giving their votes on this motion, and since it is not a party measure, no party is bound by any of its conventions. Therefore, I would appeal to individual Members of this House to consider well and cast their votes.”

Diwan Bahadur P. KESAVA PILLAI :—“ Sir, first of all, I beg to congratulate the House that it has a Member in the hon. Mr. C. P. Ramaswami Ayyar, who has made such a magnificent presentation of the Bill (hear, hear). After hearing him and of his solicitude to consult all interests and to hear all objections, that there should be any doubt in the minds of some hon. Members regarding the hon. the Law Member's correct attitude on this important measure is to be regretted. I oppose the motion of my hon. Friend, Mr. Narasimha Raju, as well as the motion of the hon. Member, Mr. Ramachari, for adjournment. If it is possible, the House should proceed at once to accept the introduction of the Bill and to allow it to go to the Select Committee stage. For the reasons already adduced by my hon. Friends from Ganjam and from South Kanara, it will serve no useful purpose to accept any adjournment that has been proposed. I would earnestly appeal to all my hon. Friends who are interested in the welfare of the Presidency, and especially to those of the dry districts, to reject both these motions.”

Mr. R. SRINIVASA AYYANGAR :—“ Mr. President, I feel constrained to oppose both the amendments before the House. A month's adjournment is practically pointless and is not likely to serve any useful purpose. Six months' adjournment seems to be futile, and there may be considerable danger, I apprehend, in holding up a Bill for a period of six months. As a Member of the old Council itself, I took some part in the discussion of that ill-fated Bill, and I can say without fear of contradiction that the majority of the Members of this House have acquainted themselves with the detailed

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provisions of the Bill. It is not necessary for me at this stage to enter into any detailed discussion of the merits or the demerits of the Bill in some of its important provisions and I propose to reserve my remarks for a future occasion. But, so far as the present motion is concerned, I venture to state that this motion is rather misconceived. Having regard to the attitude of the hon. the Law Member in the elaborate statements that he made that reasonable opportunities will be given and that all reasonable representations will receive due consideration, there is absolutely no reason why we should try to place an embargo upon the Bill at this stage. The hon. the Law Member told us that the Select Committee, whatever its complexion or constitution may be, is not likely to commence its labours till about the beginning of March. That means it will give plenty of time for various public bodies and private institutions and private gentlemen to meet together and settle their well-considered resolutions and pass them on to the Select Committee for their consideration. It would also be possible for us to make ourselves felt through the medium of the Select Committee which will be constituted. In my humble judgment, the Bill is long overdue, and the hon. the Law Member, after some correspondence with the Government of India, has after all thought it fit to place this Bill before the House at a belated stage, and, as such, we should not oppose the introduction of the Bill. In these circumstances, I feel constrained to oppose the motion for adjournment."

Mr. A. RANGANATHA MUDALIYAR:—“Sir, even on the last occasion, when the hon. Sir K. Srinivasa Ayyangar introduced the Irrigation Bill, I voted against its rejection. As one coming from the districts which are in urgent need of big irrigation schemes which have no chance of being initiated unless a measure of the kind now under discussion is enacted, I feel it my duty to give all the support I can for leave being granted for the introduction of this Bill (hear, hear). In saying so of course I am not committing myself to any acceptance of the details embodied in the Bill. I know there are some provisions in the Bill which are open to serious objection, but I do not despair of rectifying those defects either in the stage of the Select Committee or later on. I do not know whether hon. Members of this House who were sitting here last time are unaware of the fact of the introduction of some of the Bills in this House and of their emergence subsequently from the Select Committee beyond all recognition from the form they originally had. If that were possible in the case of some Bills, I do not see why we should now despair of bringing about reasonable changes in the Bill as now placed before us. So, Sir, I would appeal to the Members of all parties in this House not to treat this Bill as a party question as they did last time—very unfortunately as I think. I would appeal to them to take a broad view of the matter and to give leave only for the introduction of the Bill. I would also suggest to the hon. the Law Member to afford all facilities he can for representations being made in the Select Committee stage also. It may be that the ryots may not be able to present their objections by themselves, and they may have the necessity of invoking the aid of lawyers in presenting their points of view. I am asking him to permit representations being made by their vakils or agents. I think the hon. the Law Member is prepared to give us facilities in this way, and I do not see any reason why, after the statement that he has made, we should refuse leave for the introduction of the Bill at this stage. He has shown to us the urgency of the

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Bill and the need for its being introduced now. I do hope that the Council is not averse to the introduction of the Bill."

Mr. P. SIVA RAO :—" Mr. President, I have got the misfortune to differ from the hon. the Mover of this motion. I was a Member of the Irrigation Bill Select Committee. I was one of those who warmly advocated such a legislation. Now, Sir, it is undoubted that there is imperative necessity for such a legislation for our Presidency. We have been rightly characterized as backward in not possessing a legislation of this kind when almost every province boasts of it. The disabilities the Madras Government is labouring under for want of such a legislation have been lucidly pointed out by the hon. the Law Member. He has pointed out how the Government have been unable to finance big irrigation projects for want of financial help from the Government of India and how, before certain powers are reserved to the Local Government for the regulation of water in the land, no progressive schemes can be possible in this Presidency. It ought to convince anybody, Sir, that we ought to accept this legislation and see that it is carried as soon as possible. I was hesitating a good deal before I could make up my mind to reject the proposal of my hon. Friend Mr. Narasimha Raju. His was a very moderate demand. He asked for an adjournment by 24 days for the consideration of this Bill. But there is this obvious drawback to that motion as to whether 24 days will serve any useful purpose. As for the proposal of six months' adjournment, it savours of a proposal to reject the Bill. Now, Sir, when I say that the Bill is beneficial to the people and that it will be conducive to the greatest good of the people of our Presidency, let me guard myself against being construed as giving my support to the measure without any objection whatever. It is full of many objectionable features and it shall be the endeavour of the hon. Members who may be fortunate enough to serve in the Select Committee to weed out those objectionable features. We also regret to note, Sir, that some of the most important recommendations made by the last Committee have not been adopted by the Government for one reason or another. They may be excellent reasons so far as the Local Government is concerned, but we will strive our utmost to bring up those amendments for adoption by the Legislative Council when the time comes. On the patent defects of the Bill, I shall reserve my remarks for another occasion. Speaking on the adjournment motion, coming as I do from the famine zone of the Presidency, as one who feels the utmost need for the promotion of irrigation schemes such as the Tungabhadra project, which, I say, has tickled my ambition, by way of protecting us from the dire effects of famine from year to year, I will at once vote against this adjournment. Then, Sir, some of these provisions have to be examined in detail at the time of the Select Committee, and the hon. the Law Member has given us the undertaking, and very wisely too, that the Select Committee will not be arranged to sit before the Budget is over. It will thus take us to the first week of April and during these two months, you will have ample time for calling in representations. Probably, certain representatives of ryotwari and zamindari interests may be examined as witnesses before this Committee, and the Select Committee will bestow every possible consideration and do justice to all the interests involved in a measure of this kind.

" With these words, Sir, I oppose this motion."

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4-15 p.m. Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Sir, I was one of those who were for a short adjournment of the Bill when I entered the Council Chamber. But, after hearing the brilliant speech of the hon. the Law Member and the way in which he has been able to explain the change of heart between the Government now and that of last year, I have changed my mind, and I am convinced that no purpose will be served by adjourning the discussion on the introduction of this Bill at the present moment. He has, Sir, demonstrated the necessity for having this Bill introduced at once. He has said that it is only after introducing this Bill and informing the Government of India that the Council has taken the matter on hand in earnest that we can apply to them for funds. The funds are likely to be promised to other provinces. So, it is absolutely necessary that our application goes to them as early as possible.

“ Then, there is the other thing, viz., that by acceding to the introduction of this Bill, we will be considered to have accepted the main principles of the Bill. The difficulty of several Members was that they did not know what the exact main principles of the Bill were on which the Government insisted. Now, we have got the statement of the hon. the Law Member that he does not consider any matter in the present Bill as main principles which could not be altered in the Select Committee. He says it is only a framework in which anything can be put in by the Select Committee. That is what he has stated. On the basis of that statement, I think there is absolutely no difficulty for any of us to vote for the introduction of the Bill. As I said, regarding the necessity for going into the principles and seeing whether we agree to them or not, according to the hon. the Law Member, there are only two or three matters which he said were there, and therefore everything else can be changed in the Select Committee and afterwards in the Council. So, it is absolutely unnecessary to have further time for consideration of this matter. I think that everything that is necessary can be done either in the Select Committee or in the Council. For these reasons, I have changed my view for adjournment for a short time.

“ As for the Bill, I do not want to say anything now because only the adjournment motion is now before the House.”

Rao Bahadur O. TANIKACHALA CHETTIYAR :—“ Mr. President, Sir, I have been listening carefully to the reasons put forward in support of the application for the adjournment of the consideration of the motion made for the introduction of the Bill, and I see no valid reasons justifying the adjournment for a month or for six months. Unlike my hon. Friend from Bellary, Mr. Ranganatha Mudaliyar, I was one of those who opposed the introduction of another Bill last year about this time. That Bill was, I am very glad, rejected, and it had very good results. That Bill was conceived not only in the Secretariat but without consulting the various representatives of the people who might be interested from various points of view. But, since then, the rejection of that Bill has had a very good effect, if I may say so, upon the bureaucrat. For, once they thought fit to appoint a Committee not merely of Members of this House representing the various interests but also gentlemen who were not Members of this House, gentlemen who had vested interests which had to be safeguarded and others who were considered experts whose advice was considered useful in shaping the Bill. The Bill that is now presented, I am aware, does not contain all the recommendations that have been made by that Committee. But, at the same time, I am aware and I

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have a catalogue of the several deviations from the old Bill which are of importance and which have been desired by that Committee. That Committee sat in April and May, and, taking the old Bill as the basis of the discussion, it practically went over all the sections suggesting amendments. With those amendments before it, there was a further discussion which from time to time was postponed owing to the exigencies of election engagements of the various Members, with the result that it met only in November last. So, the Bill that is now presented to us, though failing to satisfy the desires of the several interests in some matters, has to a great extent gone to satisfy those desires. In these circumstances, on the ground that it has not been published in the vernacular languages, applying for adjournment for one month only will not secure to that Bill or to those interested in the Bill or in such a measure any great advantage. For, nobody who has suggested this adjournment has also suggested that the Government should within this interval reshape or alter the Bill so as to meet any criticism that might be urged between now and the next month. The object not being that, there is no harm done in considering the question whether leave should be given at this meeting. No useful purpose will be served by putting it off for one month or six months. As for six months' adjournment, as has been pointed out by the hon. Member in charge of the Bill, it might be for the consideration of the rejection of the Bill, and as for one month's adjournment there will be no useful purpose served at all. I find that he has given an assurance that he would not hurry up the stages of this Bill. Sufficient time will be given for publication in all the vernacular languages and for receiving representations from all persons interested inside this House and outside this House. It may be necessary to receive representations from lawyers. I think it would do well not to seek this adjournment.

"Moreover, there is one feature in the history of this Bill. A Select Committee, so to say, has sat over this Bill, which had a hand in shaping this Bill, though not every portion that was wanted to be altered has been properly dealt with. There will be another Select Committee consisting of Members of this House which contains a number of new Members. I expect a number of new Members who happen to have come into this Council to be included in the Select Committee whose advice it will be an advantage and a privilege to have in the shaping of this Bill in the Select Committee. I have no doubt that others outside the Council will give their evidence or suggestions as witnesses before the Select Committee. For these reasons, I do oppose the application for adjournment."

Mr. C. RAMALINGA REDDI :—"I move for a closure."

The hon. the PRESIDENT :—"I am not for putting the motion for closure just yet for this reason. There are two motions for adjournment before the House and I expect that Members opposed to the Bill will be ranged on the side of either of these motions. They are as it were a little stick and a big stick with which to beat the Bill. If hon. Members desire that the discussion should be continued after these motions have been disposed of, I have no objection, but ordinarily, I should say, the discussion of these adjournment motions should leave little room for prolonged discussion of the main motion in case they both fail."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"As a matter of fact, if I may venture to say, I shall be obliged to the various Members who have been

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giving their remarks at this stage on what they conceive to be the principles either obnoxious to them or in favour of them, so that it might guide me in further deliberations. What is voted upon now will be only the adjournment motions."

The hon. the PRESIDENT:—"In that case, I will put the motions for adjournment one by one."

At this stage, Rao Sahib K. V. Ramachari applied for leave to withdraw his motion, which was granted; the motion was accordingly by leave withdrawn.

Rao Bahadur C. V. S. Narasimha Raju's motion was then put and declared lost.

At the instance of Dr. P. Subbarayan a poll was taken with the following result:—

4-30 p.m.

Ayes.

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| 1. The Zamindar of Kurupam. | 14. Mr. K. Koti Reddi. |
| 2. Hony. Lt. Madurai. | 15. " P. Anjaneyulu. |
| 3. Mr. P. N. Marthandam Pillai. | 16. " M. Gangarazu. |
| 4. " P. C. Muttu Chettiyyar. | 17. " S. Muttayya Mudaliyar. |
| 5. " C. Ponnuswami Nayudu. | 18. Dr. P. Subbarayan. |
| 6. " K. Prabhakaran Tampan. | 19. Mr. P. Peddiraju. |
| 7. " P. T. Rajan. | 20. " M. Sitayya. |
| 8. " P. Sagaram. | 21. " M. R. Seturatnam Ayyar. |
| 9. " K. Sarvarayudu. | 22. " C. V. Venkataramana Ayyangar. |
| 10. " Chavadi K. Subrahmanya Pillai. | 23. " S. Satyamurti. |
| 11. " C. Ramalinga Reddi. | 24. " T. Adinarayana Chettiyyar. |
| 12. Rao Bahadur C. V. S. Narasimha Raju. | 25. Rao Sahib U. Rama Rao. |
| 13. Mr. A. Chidambara Nadar. | 26. Mr. P. C. Venkatapati Raju. |

Noes.

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| 1. The hon. Sir Charles Todhunter. | 29. Rao Bahadur Cruz Fernandez. |
| 2. " Sir Arthur Knapp. | 30. Rao Sahib P. V. Gopalan. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 31. Mr. L. C. Guruswami. |
| 4. " the Raja of Kollengode. | 32. " Mahabala Hegde. |
| 5. " the Raja of Panagal. | 33. Rao Bahadur K. Krishnaswami Nayudu. |
| 6. " Rao Bahadur Sir A. P. Patro. | 34. Mr. V. Madhava Raja. |
| 7. " Diwan Bahadur T. N. Sivagnanam Pillai. | 35. " B. Muniswami Nayudu. |
| 8. Mr. R. W. Davies. | 36. Rao Bahadur A. M. Murugappa Chettiyyar. |
| 9. " P. Hawkins. | 37. Mr. C. Muttayya Mudaliyar. |
| 10. " E. W. Legh. | 38. " O. M. Narayanan Nambudripad. |
| 11. " C. Madhavan Nayar. | 39. " B. Obalesappa. |
| 12. Dr. John Mathai. | 40. " K. S. Ponnuswami Pillai. |
| 13. Mr. P. L. Moore. | 41. " G. Premayya. |
| 14. " G. F. Paddison. | 42. " P. S. Rajappa. |
| 15. " H. Tireman. | 43. " B. Ramachandra Reddi. |
| 16. " J. A. Davis. | 44. Rao Bahadur P. Raman. |
| 17. " A. J. Leech. | 45. Mr. A. Ramaswami Mudaliyar. |
| 18. " C. Nicholson. | 46. " J. D. Samuel. |
| 19. " T. R. Venkatarama Sastriyar. | 47. " K. Sarabha Reddi. |
| 20. " C. E. Wood. | 48. " K. Sitarama Reddi. |
| 21. " Ari Gowder. | 49. " R. Srinivasan. |
| 22. " S. Arpudaswami Udayar. | 50. Diwan Bahadur P. Kesava Pillai. |
| 23. " P. K. S. A. Arumuga Nadar. | 51. Rao Bahadur C. Natesa Mudaliyar. |
| 24. " A. V. Bhanoji Rao. | 52. " T. A. Ramalinga Chettiyyar. |
| 25. " N. Devendrudu. | 53. " A. S. Krishna Rao Pantulu. |
| 26. Sir P. Tyagaraya Chettiyyar. | 54. Mr. P. Siva Rao. |
| 27. Rao Sahib S. Ellappa Chettiyyar. | 55. Sriman Biswanath Das Mahasayo. |
| 28. Rao Bahadur P. C. Ethirajulu Nayudu. | 56. Rai Bahadur T. M. Narasimhacharlu. |

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Noes—cont.

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| 57. Mr. V. C. Vellingiri Gounder. | 73. Mr. Abbas Ali Khan. |
| 58. „ A. Ranganatha Mudaliyar. | 74. „ Haji Abdulla Sahib. |
| 59. „ J. A. Saldanha. | 75. „ G. Abdulla Ghatala Sahib. |
| 60. Sriman Sasibhushana Rath Mahasayo. | 76. „ Abdul Hye Sahib. |
| 61. Mr. R. Srinivasa Ayyangar. | 77. „ V. Hamid Sultan Marakkayar. |
| 62. Sir K. Venkatarreddi Nayudu. | 78. Khan Bahadur P. Khalif-ul-lah Sahib. |
| 63. Mr. P. V. S. Sundaramurti. | 79. Mr. T. M. Moidu Sahib. |
| 64. Rao Sahib T. C. Tangavelu Pillai. | 80. „ T. N. Bava Ravuttar Muhammad Sahib. |
| 65. Rao Bahadur O. Tanikachala Chettiayar. | 81. Khan Sahib Saiyid Diwan Abdul Razaaq Sahib. |
| 66. Mr. K. Venkatachala Padayachi. | 82. Mr. Munshi Abdul Wahab Sahib. |
| 67. Rao Bahadur C. Venkataranga Reddi. | 83. „ Muhammad Yahya Ali Sahib. |
| 68. Mr. M. Ratnaswami. | |
| 69. Diwan Bahadur M. Krishnan Nayar. | |
| 70. Rao Sahib K. V. Ramachari. | |
| 71. Mr. W. Vijayaraghava Mudaliyar. | |
| 72. „ R. Veerian. | |

Neutral.

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| 1. Mr. C. Gopala Menon. | 3. Mr. C. Maruthavanam Pillai. |
| 2. The Raja of Ramnad. | 4. Mr. G. Rameswara Rao. |

*Ayes : 26.**Noes : 83.**Neutral : 4.*

The motion for adjournment was lost

The discussion on the motion of the hon. the Law Member that the Bill be read in Council was then resumed.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Mr. President, Sir, as I said already, I support the motion that is now before the House. There is no doubt whatever that the Irrigation Act has been a matter of great delay in this Presidency and it has been stated that other Presidencies which probably had not as much irrigation facilities as Madras have had their Acts long ago. But our Presidency in which the facilities are greater and the number of works that can be taken up is many more than in other Presidencies has had no Act hitherto. It is due, Sir, to want of, probably, proper understanding between the Government and the people. There was always some difference or other when the Irrigation Bill was projected in this Presidency and even last year the reason why that measure was not allowed even to be introduced was due to the fact that the Government took an unbending attitude and said that they were committed to more or less everything that was in the Bill. The speech that has been now made by the hon. the Law Member has shown that the Government does no longer take up the same unbending attitude, and are now prepared to yield and meet the people on their own ground : that is the change of attitude that has been taken. That augurs well for the fate of the present Bill.

“ Sir, the present Bill is not an ideal measure. A Bill prepared by the Government and introduced on a matter like irrigation in which there is any amount of room for difference of opinion between the people and the Government is not likely to be an ideal measure. Even when it goes before the Select Committee and emerges out of it, it is only going to be a compromise. So naturally in the present Bill there are several points which cannot commend themselves to the people, to the representatives of the people here. For instance, the question has been raised whether the statement of the rights of the Government made in sections 6 and 7 of the Bill is quite correct, whether that reproduces the actual right of the ryots with regard to

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the land in their possession. The very terms 'Government land' occurring in several places is objected to in some places and it is feared that in the use of that term some difficulties may arise in the future. Then the Bill omits a very important matter. It does not define the liabilities of the Government. It is very particular about the enunciation of the rights of the Government. It even claims more than what Government possesses at the present moment. But the Bill is almost silent with reference to the liabilities of the Government. For instance when the Government collects water-rates it is the duty of the Government to see that the sources and distributaries and other things are kept in proper repairs. There is no statement at all as to the liability of the Government with reference to keeping the sources of water-supply in proper repair. Then, Sir, there is this archaic provision about the compulsory labour. No doubt the hon. the Law Member has told us that he only reproduced what was in the former Bill but there is no reason whatever as to why they should be reproduced at all in the present Bill. Again with regard to the water-cess that has to be levied, there are some very inconvenient courses proposed in the Bill. There are for instance provisions for increasing the rates without really effecting any improvement in the facilities that the land enjoys. Also there are other provisions of the Bill which also have to be looked into, as, for instance, the provisions about compensation which require looking into very carefully. If I go into the details of the provisions with regard to compensation, I can show that in very many matters the provisions made are not adequate.

"As the hon. the Law Member has told us in the beginning of his speech that this is only a framework and he is not committed to everything in the Bill and that all matters can be gone into in the Select Committee and that he is not wedded to what is stated in the Bill, I do not think anything will be served by going into minute details just at present. But, Sir, in the main it will be necessary to say that the provisions relating to the award of compensation have given rise to suspicion in the minds of the ryotwari landholders and the zamindari landholders. So, that chapter will have to be very carefully looked into before it can assume a final shape in this Council.

"Then, Sir, there are provisions made for new works as well as for works already in existence. With reference to the new works, there is probably reason for some of the rules that are proposed to be made; but with regard to the old works also same provisions have been made. Now, Sir, the hon. the Law Member explained in his speech, that with reference to certain works certain rights will have to be taken over by the Government either by paying compensation in water or otherwise. But with reference to other rights whether it is necessary to leave out the stringent provisions in the Bill is another question to be gone into. I believe, Sir, I have stated sufficiently to show that the Bill as it stands is not likely to command the approbation of the people generally. The old Bill was even worse. This Bill at least has some improvements but the other one was even worse, and the gentleman who was in charge of the Bill was unbending and he was not prepared to give the assurance held out by the hon. Mr. C. P. Ramaswami Ayyar to-day.

"Then, Sir, with regard to the zamindars, a number of changes have been made in their favour. Probably, if there is anybody who ought to feel satisfied with the changes and who ought to co-operate with the Government in helping the passing of the Bill through the Council, I think it is they. It is unfortunate that they have not done so but they are still claiming more

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and more privileges. This is a Bill to help the country as a whole and I am afraid there is a misconception that the Bill is for the Government to protect their interests. It is not the case and if that misconception is kept on we cannot realize that it is for the sake of the people that the Bill has been introduced and has to be passed. Probably many such misconceptions will very soon vanish. After the change in the attitude of the Government, if there is a change in the conception of this measure in the minds of the people also, I have no doubt that we will be in a position to come to an amicable agreement on almost all the points, before the Bill reaches the final stage in this Council.

"I congratulate the hon. the Law Member on the excellent speech he has made and the very good impression he has been able to create in the minds of the Members and I do wish that this Bill will very soon be passed into law and be considered as a monument for the energy and for the ability its promoter has shown by that."

4-45 p.m. Mr. S. ARPUDASWAMI UDAYAR :—"I heartily support the Bill that has been introduced by the hon. the Law Member. While doing so, I must in all fairness admit that what is really at the back of the mind of my Friend Mr. Narasimha Raju is that certain recommendations made by the Select Committee of which he was a member have not been given effect to by Government, either the Madras Government or the Government of India. I remember, Sir, that he was one of the most energetic Members of the Select Committee and there is also a memorandum appended to the report signed by him and Mr. Ramachandra Rao, the leader of the Opposition in the old Council. There was also another gentleman, a very energetic and ardent champion of the rights of the zamindars, viz., Mr. G. Venkataranga Rao. It might be that the recommendations made by these gentlemen, and also others were really governed by principles which they thought were very essential. It is left to them now to recollect what those recommendations were or if it is not possible for them to remember what those recommendations were, I am sure the hon. the Law Member will be in a position to state what those recommendations were which were submitted to the Government of India and how many of them were not accepted by them and why. As regards the question whether an Irrigation Bill is necessary, I think there is no difference of opinion in this Council, nor is there difference of opinion in the country or in the province. Many people have come to me—and I represent a constituency the majority of landholders in which are petty mirasidars—with requests that the projects held up for want of an Irrigation Bill should be of a nature to benefit them. They feel that all their labours very often bear no fruit and become unavailing because of the sudden stoppage of the flow of water in some channel or because they depend upon periodical showers. From Trichinopoly to Madura one can see dry lands where people are sinking wells with very great difficulty and irrigating dry lands. If showers fail they are driven to privation and misery. So as regards those ryots they are willing to contribute anything which would enable them to see some kind of channel constructed which will convey water to their fields. Already many have come to me and asked me to consult the hon. the Law Member and to see the Engineer in charge of Metur project and try to irrigate some portions of the Tanjore district which they fear fall outside the Metur project. Secondly, Sir, whether the present Bill or the Bill, in its present form is necessary is another question. Now here difference of opinion possibly may arise. Even these differences of opinion relate to three or four

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factors. Have the rights of the zamindars been adequately recognized and safeguarded? Have all the rights clearly defined and acknowledged by the decisions of the High Court and the Provincial Council been given effect to in this Bill? The hon. the Law Member has made a frank statement on that point, viz., that in certain clauses of the Bill he has actually incorporated and made use of the very language of the Urlam decision. The hon. the Law Member who has taken the trouble to embody the very language of the Urlam decision will be prepared to listen to the deputations of mirasidars and other ryotwari interests and also deputations led by our vakil friends who are expected to go into all the intricacies of law and disentangle all those intricate clauses which people fear might be interpreted prejudicially to the interests of the zamindars and the tenants. Secondly, there was an admission by the hon. the Law Member that the ryotwari interests have not been championed and upheld to the same extent, but have nevertheless been to the best of his ability safeguarded. This admission that very many did not seem to take up the championship or advocacy of the interests of the ryotwari landholders will be specially noted by the Members of this Council. I hope that now that the ryotwari landholders know that adequate representation has not been made they will supply the deficiency and enable the hon. the Law Member to meet their wishes satisfactorily and as fully as is compatible with the essential principles which form the groundwork of this Irrigation Bill and which are not opposed to the rights hitherto enjoyed and respected.

"Thirdly, as regards the complaint that the jurisdiction of the courts has not been sufficiently recognized, even there the hon. the Law Member has left it open to the members of the Select Committee and for the members of the Council representing the interests of the zamindari and ryotwari landholders to include this jurisdiction of courts in the several chapters or clauses whence it has been excluded.

"As regards the fourth complaint, viz., compulsory labour, even there the admission has been made by the hon. the Law Member that if a distinction has not been sought to be made between coolie labour and other kinds of labour, it was more with a view to avoid a certain kind of language than for really conferring any hardship upon the people. So if Members think that some distinction ought to be made between the labouring class and the non-labouring class they are quite welcome to introduce this distinction. On the whole, Sir, we are led to think that every honest endeavour and every sincere attempt has been made to meet the wishes of the Members of the Select Committee who represented various interests and that every attempt will be made to adequately safeguard the interests of the zamindars or ryotwari holders and of all those that will be affected by this Irrigation Bill if but proper representations are made and suitable amendments brought in.

"There is also another reason why I should urge that the Bill be taken up and made into law as soon as possible. That is the temper and disposition of the hon. the Law Member and solicitude manifested by him to meet the wishes of Members who represent different interests. That is an important asset. I think hon. Members will take full advantage of this excellent disposition and solicitude he has manifested and see that this Bill is so modified as to operate for the benefit of the vast majority of people. On these grounds I think the House will be unanimous in carrying the Bill."

The hon. the President then called upon the hon. the Law Member to reply.

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have a catalogue of the several deviations from the old Bill which are of importance and which have been desired by that Committee. That Committee sat in April and May, and, taking the old Bill as the basis of the discussion, it practically went over all the sections suggesting amendments. With those amendments before it, there was a further discussion which from time to time was postponed owing to the exigencies of election engagements of the various Members, with the result that it met only in November last. So, the Bill that is now presented to us, though failing to satisfy the desires of the several interests in some matters, has to a great extent gone to satisfy those desires. In these circumstances, on the ground that it has not been published in the vernacular languages, applying for adjournment for one month only will not secure to that Bill or to those interested in the Bill or in such a measure any great advantage. For, nobody who has suggested this adjournment has also suggested that the Government should within this interval reshape or alter the Bill so as to meet any criticism that might be urged between now and the next month. The object not being that, there is no harm done in considering the question whether leave should be given at this meeting. No useful purpose will be served by putting it off for one month or six months. As for six months' adjournment, as has been pointed out by the hon. Member in charge of the Bill, it might be for the consideration of the rejection of the Bill, and as for one month's adjournment there will be no useful purpose served at all. I find that he has given an assurance that he would not hurry up the stages of this Bill. Sufficient time will be given for publication in all the vernacular languages and for receiving representations from all persons interested inside this House and outside this House. It may be necessary to receive representations from lawyers. I think it would do well not to seek this adjournment.

“Moreover, there is one feature in the history of this Bill. A Select Committee, so to say, has sat over this Bill, which had a hand in shaping this Bill, though not every portion that was wanted to be altered has been properly dealt with. There will be another Select Committee consisting of Members of this House which contains a number of new Members. I expect a number of new Members who happen to have come into this Council to be included in the Select Committee whose advice it will be an advantage and a privilege to have in the shaping of this Bill in the Select Committee. I have no doubt that others outside the Council will give their evidence or suggestions as witnesses before the Select Committee. For these reasons, I do oppose the application for adjournment.”

Mr. C. RAMALINGA REDDI :—“I move for a closure.”

The hon. the PRESIDENT :—“I am not for putting the motion for closure just yet for this reason. There are two motions for adjournment before the House and I expect that Members opposed to the Bill will be ranged on the side of either of these motions. They are as it were a little stick and a big stick with which to beat the Bill. If hon. Members desire that the discussion should be continued after these motions have been disposed of, I have no objection, but ordinarily, I should say, the discussion of these adjournment motions should leave little room for prolonged discussion of the main motion in case they both fail.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“As a matter of fact, if I may venture to say, I shall be obliged to the various Members who have been

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Serial number.	Name of district.	Name of project.	Estimated cost (with year).	Area proposed to be irrigated.
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B.—Larger irrigation projects that cannot be properly worked out without an Irrigation Law.

			RS.	ACS.
1	Tanjore ..	Cauvery (Metur) Reservoir Project.	562 lakhs—(1922) ..	280,000.
2	Kistna and Guntur.	Kistna Reservoir ..	834 lakhs—(1912) ..	735,000 first crop and 167,000 second crop.
3	Ceded Districts and Nellore district.	Tungabhadra Reservoir.	13 crores—(1909) ..	961,800 of wet crop. Will also protect 1,000,000 acres of dry crop.

C.—Projects worked out on a productive basis which had to be held in abeyance on account of water-rates agreed to being higher than current ones. Without an Irrigation Law a binding agreement cannot be made with ryots.

1	Gōdāvari ..	Polavaram Island Extension	18.55 lakhs—(1922).	16,316.
2	Do. ..	Coringa Island Extension.	4.69 lakhs—(1919)..	14,374.
3	Guntūr ..	Pratur Pumping Extension.	17.57 lakhs—(1923)..	10,500 (single crop).
4	Kurnool ..	Velgode Reservoir and Kurnool-Cuddapah Canal Improvements.	102 lakhs—(1917) ..	46,100 of first crop and 15,000 of second crop.
5	Bellary ..	Benikal Tank Project.	1 lakh—(1915) ..	400.
6	Anantapur.	Upper Penner Project.	23.84 lakhs—(1917).	12,000.
7	Salem ..	Marandahalli Anicut Extension.	2.86 lakhs—(1917) ..	1,600 for first crop and 500 for second crop.
8	Malabar ..	Meengarai Reservoir ..	13 lakhs ..	24,000.
9	Do. ..	Malampuzha Reservoir.	25.5 lakhs ..	40,000.
10	Do. ..	Kilakancheri Project ..	14.5 lakhs ..	5,000.
11	Nellore ..	Vengalapuram Project.	34 lakhs—(1916) ..	16,500.
12	Do. ..	Atleru Reservoir ..	7.56 lakhs—(1917) ..	3,000 (first crop) and 1,060 (second crop).
13	Do. ..	Gandipalem Reservoir.	16.40 lakhs—(1917).	13,543.
14	Do. ..	Rallapad Reservoir ..	30 lakhs ..	13,235.
15	Chingleput.	Uttiramerur Project ..	12.82 lakhs—(1917).	2,352.
16	Do.	Madurantakam Tank Improvements.	4.80 lakhs—(1906) ..	574 acres of first crop new irrigation. Will also protect existing irrigation of 13,283 acres and provide water for the cultivation of 600 acres (second crop).
17	Trichinopoly	Pimbalur Reservoir ..	1.48 lakhs—(1922) ..	500.
18	Do.	Arasalur Project ..	56,000—(1922) ..	225.
19	Do.	Omandur Project ..	60,000—(1922) ..	300.
20	South Arcot.	Reclamation of the Kaliveli swamp.	14 lakhs (1922) ..	4,865.

General note.—The necessity for an Irrigation Law was pointed out by the Government of India on more occasions than one. In 1905 they expressed it as their decisive opinion that 'Legislation is necessary in Madras in order to secure to Government such power of control over the water stored for irrigation as will enable it to make the best possible distribution thereof and prevent embarrassing litigation' and that they would therefore be 'reluctant to authorize the commencement of construction of the Cauvery Reservoir project until the Irrigation Law has been placed in a satisfactory state'. This opinion was reiterated by them in 1906 in connexion with the Tungabhadra project. The opinion must, of course, be taken to be applicable to the Kistna Reservoir and other more important projects in the Presidency.

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